PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 498 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2008–2009

COMPRISING PERIOD
26 October 2009—5 November 2009

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THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 498**

FOURTEENTH VOLUME OF SESSION 2008-2009

House of Commons

Monday 26 October 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

COMMITTEE OF SELECTION

Ordered,

That Sir George Young be discharged from the Committee of Selection and Mr. Oliver Heald be added.—(*Mr. McAvoy, on behalf of the Committee of Selection.*)

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Animals (Scientific Procedures) Act

1. **David Taylor** (North-West Leicestershire) (Lab/Co-op): If he will bring forward legislative proposals to repeal section 24 of the Animals (Scientific Procedures) Act 1986. [295125]

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): Mr. Speaker, may I say what a pleasure it is to be back and to serve under your chairmanship for the first time? It is interesting how much has occurred. I have given birth to a baby, and an awful lot has occurred in Parliament in that same period.

My hon. Friend raises an important point, but we have no plans to review section 24 before we know the outcome of directive 86/609 on the protection of animals used for scientific purposes, which is currently being debated in the European Union.

David Taylor: Campaigners and politicians are rightly concerned by a 14 per cent. increase in the number of animal experiments licensed by the Home Office in 2008, yet section 24 denies them the information on which they can properly debate the direction of policy. Will the Government urgently review the operation of this democratically dubious legislation, despite any understandable concerns that they might have about animal rights extremism?

Meg Hillier: The situation is slightly more complex. There are two points in my hon. Friend's question. One is about the total number of experiments. It is important to say that we do not have a percentage cap on the number of experiments that can take place, so more science can equal more experiments. We make an effort to ensure that most of those experiments are done on the least sentient animals, and that wherever there is an alternative, that has to be used.

On section 24, there was a review in 2004 prior to the Freedom of Information Act coming in. Another review was scheduled for 2006, but that was delayed because of a court action. That finished in 2008, at which point the draft European directive was published. It makes sense to align ourselves with that draft European directive, which borrows from the best practice in Britain, before we look at transposition, hopefully in the summer of next year.

Andrew Rosindell (Romford) (Con): Will the Minister acknowledge that despite Labour's promise to cut the number of scientific procedures involving animals, levels have risen to numbers not seen for up to 20 years? Until

we legislate appropriately for greater transparency in this area, how does she envisage implementing the Government's promise?

Meg Hillier: I refer to my earlier point. It is a simple maths lesson, in a sense. If more science is proposed, more experiments are likely to come before the animals scientific procedures division to see whether it is acceptable to carry out those experiments. At all times the Home Office inspectorate looks very carefully at the suggestions put forward, ensuring that only experiments that can be done only on animals are agreed. If not, alternatives have to be used. We have also invested an awful lot of money in the National Centre for the Replacement, Refinement and Reduction of Animals in Research—NC3Rs—to reduce the use of animals in experiments, but more science in the global context is something that we should welcome, even if it sometimes leads to perverse outcomes, as in this case.

Tasers

2. **Norman Baker** (Lewes) (LD): What his policy is on the use of Taser guns by police forces; and if he will make a statement. [295126]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): We are committed to providing the police with the equipment necessary to protect the public and to do their job safely. The police use of Taser in England and Wales has shown that it provides an effective option for police when dealing with violent or threatening situations.

Norman Baker: The Minister will be aware that Tasers have been implicated in the deaths of more than 300 people in the United States, and that their use varies enormously in the UK with, for example, Tasers having been used 224 times last year in West Yorkshire, as opposed to 345 uses in South Yorkshire. Does he agree that it is important to introduce more sensible controls, and will he limit the use of Tasers to authorised firearms officers and exclude their use against children, 18 of whom were zapped in the UK last year?

Mr. Hanson: The hon. Gentleman will know that Tasers have been used 4,818 times up to March 2009, and in none of those instances were serious injuries or deaths reported; nor was there evidence of public difficulty with Taser use. I understand that there may well have been reports of difficulties elsewhere, but that is not the experience in the United Kingdom. That is because we have issued proper and effective guidance to police forces, which allows strong regulation of the use of Tasers. I believe that goes far enough. There have been only 21 occasions when Tasers have been used on under-18s, and in all those cases, no incidents of injury have occurred.

Mr. Tom Watson (West Bromwich, East) (Lab): Tasers are effective at incapacitating potentially violent individuals at a distance, but the vice-president, training, for Taser, Mr. Rick Gilbault, has recently advised that a Taser should not be aimed at the chest area when incapacitating an individual. Will my right hon. Friend assure me that those views will be reflected in any future guidance?

Mr. Hanson: I am grateful to my hon. Friend for his comments. We have clear guidance on the use of Tasers, including an independent medical panel which moderates on their use and gives guidance accordingly. I will certainly draw colleagues' attention to those views and to my hon. Friend's comments.

Chris Huhne (Eastleigh) (LD): Is not the increasing use of Tasers another example, along with the decision to put armed police patrols on the streets of east London, of the slippery slide towards US-style armed policing in this country?

Mr. Hanson: Actually, no, because Tasers are used to reduce violence and the risk of injury, and to support officers in preventing violence against themselves or, on some occasions, by the Tasered person, through either self-harm or incidents that might lead to the harm of others. As I have said, there were 4,818 incidents up to March and not one single serious injury or death. We need to have guidance, but it is proportionate and designed to help to reduce serious violence.

Crime Reduction Grants

3. **Mr. John Whittingdale** (Maldon and East Chelmsford) (Con): What plans he has to extend the availability of small business crime reduction grants; and if he will make a statement. [295127]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): The £5 million small retailers capital grants fund will help secure small independent retail shops in areas that are at most risk of crime. There are no plans to extend the scheme, but other aspects of the retail crime action plan are helping to tackle retail crime in every area.

Mr. Whittingdale: Is the Minister aware of the Federation of Small Businesses survey that found that crime against businesses costs small firms about £13,500 each? Although I am sure that the businesses within the 50 priority areas have taken up the opportunity with enthusiasm, I think it curious that they bear a remarkable similarity to a list of Labour local authorities. Why do not businesses in areas such as my constituency in Essex have the same opportunity to apply for help?

Mr. Campbell: The criteria for the scheme were deprivation, crime rates and the proportion of the small retailers that we were most interested in helping. The criteria were agreed by the retail crime steering group, and the FSB is not only an active member, but it agreed with the criteria and the principle. I should point out that Chingford, which is part of the seat of the hon. Gentleman's right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), is not a Labour area.

Mr. Lindsay Hoyle (Chorley) (Lab): It is very important that we support small businesses and prevent crime against them, but we have to back that up with a Forensic Science Service that can protect the public and ensure that crimes are solved. Why is the Minister overseeing a criminals charter through the closure of the Forensic Science Service laboratory in Chorley,

leaving people to have to go from either Wetherby or Birmingham to parts of Cumbria to protect the public and ensure that crimes are solved? Will he reflect on it—

Mr. Speaker: Order—*[Interruption.]* I am not being very kind at all. When I say "Order", the hon. Gentleman must resume his seat. We have had an enjoyable Cook's tour, but it is time for the answer.

Mr. Campbell: I commend my hon. Friend on the inventive way in which he got the Forensic Science Service into his question. However, I point out to him that, if we are to ensure that there is a service to support not only business but the whole community in the fight against crime, we must have an efficient and effective service. That is what the transformation programme is all about.

David T.C. Davies (Monmouth) (Con): Following on from the previous question, the Minister still has not explained to us how on earth crime is going to be solved within four hours and crime scenes visited within four hours when laboratories at Chorley, Birmingham, and Chepstow in my constituency, are being closed down. What is the point of giving money to small businesses if crime is out of control because we do not have the forensic science laboratories to catch the perpetrators who are responsible?

Mr. Campbell: It is essential that we have schemes, such as that which the hon. Gentleman mentioned, to ensure that crime does not get out of control. However, he will know that the transformation programme took all those issues into consideration, and the model that the Forensic Science Service is moving to will ensure that it provides throughout the country the efficient and effective service for which he is looking.

Work Visas

4. **Harry Cohen** (Leyton and Wanstead) (Lab): If he will make it his policy to allow those whose applications for work visas are under consideration to work until final determination of their case is made. [295128]

The Minister for Borders and Immigration (Mr. Phil Woolas): Those who have leave to work in the United Kingdom at the time that they apply for an extension may carry on working until their new application is decided. Those who do not have leave to work in the UK when they apply for permission to work must wait until their application is decided. We have no plans to change that.

Harry Cohen: My advice surgeries are filled with people who are going to be granted the right to stay but are not allowed to work. If we take Mrs. Pierre-Louis, who is married to a British citizen and has an eight-year-old British son, we find that her only mistake was to fill in the wrong form at the Home Office. She has now received the sack, even though her employer, the council, acknowledges that she is an excellent care home worker. What do the Government have to say to people, such as Mrs. Pierre-Louis, who lose their jobs; and why is the policy implemented so harshly against such people?

Mr. Woolas: If there is a particular case that my hon. Friend would like me to take up, I shall look into it. However, the application for the permit is due within three months of its ending, and on this matter we have set a target of achieving decisions on 75 per cent. of applications within four weeks. Mr. Speaker, I can report to you that we are achieving decisions on 94 per cent. of applications within four weeks.

Tony Baldry (Banbury) (Con): How can any of us have any confidence that the UK Border Agency is fit for purpose? I had at my constituency surgery on Friday someone who lives in my constituency and who has been waiting for nine years for the UK Border Agency and its predecessors simply to process his first application for consideration as a refugee. Am I the only person in the House who has completely lost the will to live in respect of the UK Border Agency having any competence to deal with work permits, asylum applications or anything else? This is an organisation—

Mr. Speaker: Order. I think we have got the drift of it. I am grateful to the hon. Gentleman.

Mr. Woolas: I hope that the hon. Gentleman has not lost the will to live. I do not know the details of that case, but my experience, having been in this job for more than a year, is that things are often not as they appear at first glance. We are dealing with the backlog very successfully now, and I point out that our decision rate is much quicker than it was 12 years ago. Resources are being put into place, decisions are being taken and cases are coming to light. I ask him to look into that case, and if he wants me to take it up, I will do so.

Kelvin Hopkins (Luton, North) (Lab): I agree strongly with the thrust of the question from my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), but does my hon. Friend the Minister agree that we should seek to ensure that all immigrant workers are paid the minimum wage, so that they are not treated as a pool of cheap migrant labour and so that existing trade union agreements are not undermined?

Mr. Woolas: It is very important that this point is taken on board, because this country welcomes legal migrant workers; they contribute to our economy very significantly. In order to protect those people, they have the same rights as domestic workers. Illegal migrants, and legal migrants who are paid below the minimum wage, undermine confidence in the migration and minimum wage systems. The exploitation of any worker is not acceptable to this Government.

Chris Grayling (Epsom and Ewell) (Con): Over the weekend, we have heard some pretty controversial reported comments by a former adviser to the Government about their immigration policy. May I invite the Minister to put the record straight? What was the motivation behind the very rapid increase in immigration under this Government?

Mr. Woolas: If one takes a responsible and reasonable look at the statistics, one will see that it was an earlier Act that brought about significant increases in immigration in this country. The most significant milestone in the history of migration policy since the second world war,

in my view, was the abolition of border controls in 1994. With your permission, Mr. Speaker, I throw the question back at the hon. Gentleman: does he now support the border controls that we have put back into place?

Chris Grayling: I think a lot of people will notice that the Minister has made no attempt to answer my question. What Mr. Neather, the former adviser, said was that the policy of rapid expansion was done to put pressure on the right. Would it not be utterly disgraceful for any Government to decide immigration policy that was in the interests not of the country, but of a political party? Was that what happened?

Mr. Woolas: I do not know to whom or to which reports the hon. Gentleman refers. If he wants to take the views of someone with a political motivation, that is up to him, but I repeat that the Government have reintroduced border controls—electronic borders—despite opposition from the hon. Gentleman.

Chris Grayling *indicated dissent.*

Mr. Woolas: It is no good the hon. Gentleman shaking his head and smirking about it. The facts are that his party abolished border controls, that we have reintroduced them and that he opposes them.

Prevent Strategy

5. **David Tredinnick** (Bosworth) (Con): If he will assess the value for money of his Department's expenditure on the Prevent strand of its counter-terrorism strategy. [295129]

7. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): If he will assess the value for money of his Department's expenditure on the Prevent strand of its counter-terrorism strategy. [295131]

The Secretary of State for the Home Department (Alan Johnson): Prevent is an essential aspect of the Contest counter-terrorism strategy designed to safeguard our country and its citizens. The Prevent strategy aims to stop people becoming terrorists or supporting violent extremism through a variety of initiatives focused on local communities. Delivery of the strategy, expenditure and impact, is monitored routinely to ensure value for money, and effectiveness.

David Tredinnick: I am grateful to the Secretary of State for that reply, but is not the great problem that there is no guarantee that that money is not finding its way into the hands of extremist groups? When is he going to have a proper audit of this expenditure to convince the House that it is going to the right place?

Alan Johnson: The hon. Gentleman asks a very important question about Prevent. I hope that he would accept, as should everyone in this House, that yes, we should have a strategy on pursuing terrorists, and yes, we should have a strategy on ensuring that we are prepared for terrorist attack, but that it would be strange indeed to have a strategy that did not concentrate on preventing young people, in particular, from being radicalised in the first place. Having developed the strategy, of course we have to ensure that the money is used effectively on behalf of the taxpayer and is not finding its way into the hands of extremists. There is absolutely no evidence of that whatsoever. This money is carefully audited, not just by us but by the Department for Communities and Local Government, on a continual basis.

Mr. Hands: In 2005, Tony Blair announced that Hizb ut-Tahrir would be banned, which we support, but that never came to pass. Further, the Government should put a total ban on Hezbollah. Can the Secretary of State tell us why Ministers have been so slow to take action against these extremist groups?

Alan Johnson: Going back in history, the hon. Gentleman will find that it was a previous Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who let these people in in the first place. Secondly, we are a functioning democracy that is very careful about the organisations we proscribe, which should be those that particularly and specifically refer to the use of violence to meet their aims. That level has not been reached. Organisations across the country—and Members of Parliament, actually—would look askance if we used the legislation to proscribe organisations that should not be proscribed under its terms. It is absolutely right that we do not give a gift to these radical organisations by using the proscribing legislation unwisely.

John Reid (Airdrie and Shotts) (Lab): Does my right hon. Friend accept that one of the defining characteristics of today's terrorism is the constant search for new methods of inflicting terror, and that in response, therefore, we have to try to harness together the innovative tendencies inside Government and across the private and academic sectors? May I commend, through him, the work of Charles Farr and the Office for Security and Counter-Terrorism in identifying publicly, through the national security strategy and the science and technology strategy, the areas of research that they would like academia and the business community to pursue? Will my right hon. Friend continue to issue such guidance so that we can harness the whole community against terrorism?

Alan Johnson: My right hon. Friend played a very distinctive role in formulating the Office for Security and Counter-Terrorism. It was absolutely essential that we brought together the various strands from across the Government to concentrate on these issues, and Charles Farr is leading the operation magnificently. My right hon. Friend is right to point to an aspect that is not often referred to—the race against time to find new methods of technology to thwart the increasing ingenuity of those who seek to destroy our society.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): When my right hon. Friend is monitoring the effectiveness of the Prevent programme, will he give his urgent attention to the need to push more resources into prisons, which are clearly a place where many young men are converted to violent ideologies? Will he also consider the criticism currently made of Prevent that it is spread far too widely in being aimed at an entire community with a particular religious belief instead of being focused on the people who are really the problem?

Alan Johnson: We are looking at prisons all the time; I work closely on that with my colleagues at the Ministry of Justice. I do not accept my hon. Friend's second

point. I am not saying that the Prevent strategy operates perfectly, but we can point to areas of the country where it has been extremely influential. It is not aimed at one particular group of people: it is aimed at helping Muslims within communities to argue effectively against those who seek to radicalise the whole community and at working with them to do that. Without that partnership, it would not work at all.

Chris Huhne (Eastleigh) (LD): Does the Home Secretary agree that spying on innocent Muslims could destroy relationships within the community and between the community and the police? What steps has he taken to ensure that citizens' rights to privacy are respected and that surveillance under Prevent is proportional to the threat?

Alan Johnson: Of course I agree with the hon. Gentleman. Prevent has absolutely nothing to do with spying on communities; spying on communities has absolutely nothing to do with Prevent, full stop. The article carried in one national newspaper, not picked up elsewhere, refers to two areas—Waltham Forest and Islington—which we are looking at very closely. We can find no evidence that there is any substance in those allegations.

I agree that if Prevent were used to spy on communities, it would be worthless. However, many people from those communities would come to this Dispatch Box and speak up for the policy if they could. Guidance, which is very strictly adhered to, ensures that there is the necessary proportionate response and that any use of Prevent is in accordance with the guidelines that we publish.

Mr. Crispin Blunt (Reigate) (Con): In 2007, the Government announced an increase of more than £100 million on Prevent and another £240 million on counter-terrorism policing, among an overall counter-terrorist, security and intelligence expenditure of £3.5 billion, which has rapidly increased. What are the Government doing to review the effectiveness of all that expenditure, as well as the Prevent programmes, some of which critics believe have been counter-productive?

Alan Johnson: We review the programme all the time, and various committees, including the Intelligence and Security Committee, call us to account. It is right that Opposition Front Benchers should also call us to account, but although many people attack Prevent as counter-productive, I hope that the hon. Gentleman and his colleagues, who would be entitled on Privy Council terms to know exactly what is one under Prevent and the whole Contest counter-terrorism strategy, do not believe that.

Certainly Prevent would be counter-productive if the newspaper story that was carried in one national paper a couple of weeks ago were true. It is not—we can find no evidence of that. Misrepresenting Prevent and exaggerating issues under it is one thing, but we as calm and rational politicians should ensure that we keep to this important part of the strategy. Preventing young people from becoming radicalised is probably the most crucial part of our whole strategy.

Jeremy Corbyn (Islington, North) (Lab): Will the Home Secretary agree to meet me to discuss the Islington experience, since he has just referred to it in answer to a previous question? May I invite him to read the report produced by the Institute of Race Relations called "Spooked!—How not to prevent violent extremism", by Arun Kundnani? It is an interesting report and will show him that other aspects of the Prevent agenda are effectively stigmatising an entire community.

Alan Johnson: The answer to the first question is yes—of course either I or a member of my ministerial team will meet my hon. Friend to discuss the matter. Secondly, he points to one particular contribution to this debate, of which there are many. It is a valuable one, but it is not in isolation and many other reports have made points contrary to the ones in that report.

Policing

6. **Bob Spink** (Castle Point) (Ind): If he will take steps to increase the proportion of their time which police officers spend on the beat. [295130]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The policing Green Paper published last July introduced measures to reduce bureaucracy and free up police time, including scrapping a police time sheet, releasing 260,000 police hours, and axing the stop and account form, releasing an estimated 690,000 hours. Those measures and more help put more police on the beat. We will review the matter still further in the policing White Paper later this year.

Bob Spink: Will the right hon. Gentleman thank Essex police for putting more beat bobbies in Castle Point? We need them to counter disgraceful behaviour by youths around a new school for children with emotional and behavioural difficulties that has been placed on Canvey Island, which is causing residents and businesses absolute mayhem. Does he agree that EBD schools should be located very carefully within communities? This one should certainly have been moved to central Essex—

Mr. Speaker: Order. I think that we have got the gist of the question.

Mr. Hanson: If there are concerns about any issue at any location, the first port of call should be to talk to the local beat officers, as part of our neighbourhood policing pledge, about what should happen at local level. I do not know the circumstances, but I would be happy to refer this exchange to the local chief constable for examination. However, the hon. Gentleman should raise the matter with the local forces, who are best placed to deal with it under the policing pledge.

Dr. Tony Wright (Cannock Chase) (Lab): At the weekend we changed the clocks, making it light at 6 o'clock in the morning and dark at 6 o'clock in the evening. Does my right hon. Friend believe that that is helpful or unhelpful to the criminal classes, and to police on the beat?

Mr. Hanson: I think that ultimately the criminal classes will try to find ways to undertake crime, and the police will always find ways to stop them, whether it is dark or light. However, I shall refer my hon. Friend's

comments to the Department for Business, Innovation and Skills, which is the appropriate Department to regulate these matters.

Mr. David Ruffley (Bury St. Edmunds) (Con): The public rightly want to see more visible policing. Four years ago, the Home Office told us that police officers spent only 19 per cent. of their time on the beat. Will the Minister tell us what the latest figure is?

Mr. Hanson: I do not have those figures to hand, but I will certainly write to the hon. Gentleman. However, I will say this: no matter how many police are on the beat, they must be doing something right, because crime is down by 36 per cent. over the past 12 years. Indeed, the figures that came out last Thursday show that overall crime was down by 4 per cent. I hope he will recognise that the police are doing a good job, servicing the public very well, reducing crime and ensuring that the safety of the community is paramount.

Andrew Miller (Ellesmere Port and Neston) (Lab): Smart use of some technologies that are available to police is helping them to reduce time wasted in bureaucracy. What steps is my right hon. Friend taking to evaluate the pilots that have been undertaken to improve services to the public, such as the use of palm devices in Thames Valley?

Mr. Hanson: We are undertaking ongoing evaluation. My hon. Friend will know that some 18,000 hand-held devices have been put into the system over the past 12 months and we continually look at how we can reduce bureaucracy and get police focused on the front line. Indeed, very shortly we expect a further report from Jan Berry, the police adviser on these matters, which we will publish for the House and which I believe will set a further trend for the next 12 months and beyond of reducing bureaucracy still further.

Antisocial Behaviour

8. **Mr. Mark Harper** (Forest of Dean) (Con): What recent assessment he has made of the effectiveness of measures to combat antisocial behaviour. [295132]

The Secretary of State for the Home Department (Alan Johnson): Three independent reports have confirmed that our approach to tackling antisocial behaviour is working. The National Audit Office reported that two thirds of people stop committing antisocial behaviour after one intervention, rising to nine out of 10 ceasing after three interventions. The Home Office has recently commissioned a consortium of Aberystwyth university, Swansea university and an independent research organisation, Applied Research in Community Safety, to undertake an evaluation of the comparative effectiveness of ASB interventions. It is expected to report in the spring.

Mr. Harper: The Children's Secretary has condemned the Government's failure on antisocial behaviour orders. Does the Home Secretary agree with him?

Alan Johnson: I have not heard of the Children's Secretary doing any such thing. I agree absolutely with the Secretary of State for the Department for Children, Schools and Families that our action, reducing as it has the public perception of antisocial behaviour as a major problem by 19 per cent. in just four years, is working, and the whole Government support that view.

Shona McIsaac (Cleethorpes) (Lab): My right hon. Friend recently said that North East Lincolnshire council had to get its act together on tackling antisocial behaviour. What is he expecting the local authority, social landlords and the police in that area to do to get a grip on this subject?

Alan Johnson: A number of things, but what I said on 19 October is that just as the policing pledge gives a certain confidence to the public that they will get a standard of service wherever they live, given that there are 42 different police authorities—43 if we count the transport police—so we should also have a certain consistency of treatment right across the country on antisocial behaviour. My colleagues in the Ministry of Justice, the Department for Communities and Local Government and I have asked the crime and reduction partnerships to ensure that that is the case over the coming months. With that and other measures, we can ensure that the public, no matter where they live, have an expectation of a certain level of service.

Asylum Applications

9. **Mr. Stewart Jackson** (Peterborough) (Con): What recent estimate he has made of the average time taken to process an application for asylum. [295133]

10. **Richard Ottaway** (Croydon, South) (Con): What his most recent estimate is of the average time taken to process an asylum application. [295134]

The Minister for Borders and Immigration (Mr. Phil Woolas): In December we met our targets to conclude 60 per cent. of new cases within six months. That means not only that decisions were taken early but that in a significant proportion of refusals, removal from the UK was effected within six months of application.

In 1997 it took on average 22 months merely to reach an initial decision. We can only speculate how much longer than that it was taking to remove those who were refused at that time.

Mr. Jackson: Why are Members of Parliament routinely sent letters by the Border and Immigration Agency advising them that cases of individuals applying for asylum and indefinite leave to remain will not be resolved until July 2011? Is not that a sign of a failing and dysfunctional Department, or as we heard earlier, is that the policy of this Government—

Mr. Speaker: Order. [*Interruption.*] Order. Let me just say very clearly to the hon. Gentleman that when I interrupt, he resumes his seat, and that is the end of the matter.

Mr. Woolas: It is important not to confuse asylum with immigration. The contrary is the case: the reason why the former Home Secretary, who is in his place, set that target was to ensure that Members of Parliament could be confident that their constituents' cases were being dealt with. To be fair, as we have reported to the

Home Affairs Committee, we are getting through the legacy backlog at a significant rate. The date is that by which we must have completed those cases; it does not mean that all the cases with which the hon. Gentleman is dealing will take that long.

Richard Ottaway: The Minister has announced that, as a result of reorganisation in Liverpool, Croydon will be the only centre in the UK that will deal with walk-in asylum applications. That will have a profound effect on the borough of Croydon. Why has he made that decision? What assessment has he made of the impact on the borough of Croydon, and will he campaign for extra funding to address the inevitable pressure on services that will result?

Mr. Speaker: Order. In defiance of the convention, there were three questions, but I know that the Minister will understand that one answer will suffice.

Mr. Woolas: I do not accept the premise of the question. We have been able to make the change because of the significant drop overall in the numbers of asylum applications, from 57,570 in 2002 to 23,210 in 2008. As we bring forward renewed applications with further information, we are requiring those people to have face-to-face interviews in Liverpool. I would imagine that the hon. Gentleman supports that policy. The impact on Croydon, which is provided with £30 million a year for children, will be minimal as a result of those background facts.

Dr. Brian Iddon (Bolton, South-East) (Lab): My hon. Friend will know from his own casework that many of the people in the legacy stream have been waiting for a considerable number of years, and their lives are on hold because there is nothing they can do to progress their current status. Is the July 2011 date a firm one, and can he bring forward some of the cases?

Mr. Woolas: The Home Secretary has allocated extra resources to ensure that we can get through the legacy backlog even more quickly. As I said in answer to the hon. Member for Peterborough (Mr. Jackson), that is very much an end date. Members will see cases coming to their advice surgeries as a result of the success that we are having in getting through those cases. I point hon. Members to the new tracker service, as introduced by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier).

Damian Green (Ashford) (Con): It is now more than three years since the former Home Secretary, the right hon. Member for Airdrie and Shotts (John Reid), famously promised to make the asylum and immigration system fit for purpose. Since then, fewer than half the legacy cases have been concluded. The backlog of applications under the new asylum model increased by more than a third last year, and last week the existence of another, previously unknown, 40,000 non-asylum legacy cases was revealed. In a spirit of generosity, we do not expect the Minister to solve all those problems at once, but can he say which of the various disasters he is presiding over is his top priority this week?

Mr. Woolas: The hon. Gentleman calls for the Government to manage the migration system, but he then opposes the very measures that we have introduced—such as the comprehensive electronic borders—to do so. The cases that he has mentioned—cases, not people—are being got through apace. As I have said, the record of this Government in deciding those cases shows that 60 per cent. are decided in six months, as opposed to 22 months in 1997. Who has got their priorities right?

Antisocial Behaviour Orders

12. **Mr. Jim Cunningham** (Coventry, South) (Lab): How many antisocial behaviour orders were issued in (a) 2006-07 and (b) 2008-09. [295136]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The numbers of antisocial behaviour orders issued at all courts in England and Wales during 2006 and 2007 were 2,705 and 2,299 respectively. ASBO data for 2008-09 are not yet available.

Mr. Cunningham: I am grateful to my right hon. Friend for that answer, but does he agree it is important that people are aware that ASBOs are available? People are finding that one of the big problems is getting the relevant information to apply for them.

Mr. Hanson: It is absolutely right that ASBOs should be one of the many tools available to forces and courts to ensure that they tackle antisocial behaviour. My right hon. Friend the Home Secretary has made it clear that ASBOs will continue to be, and should be, a major tool in helping to drive down antisocial behaviour still further. We want to make it simple for ASBOs to be exercised accordingly.

Mr. James Clappison (Hertsmere) (Con): Approximately what proportion of the ASBOs that the Minister has just told us about were breached?

Mr. Hanson: I can tell the hon. Gentleman that in 53 per cent. of cases where they were breached, those involved faced immediate custody. There is certainly a breach element, but, as the Home Secretary mentioned, we have accepted the fact that there are difficulties with breach. We intend to continue working to ensure that those ASBOs are completed: if the court exercises an ASBO it is important that it should be completed and that anyone breaching an ASBO should face immediate custody.

Mr. Brian Jenkins (Tamworth) (Lab): My right hon. Friend will realise that enforcement is vital to antisocial behaviour orders, so will he ask our right hon. Friend the Home Secretary whether he would consider writing to every chief constable and asking that every uniformed officer in their forces spend at least two hours performing high-profile policing duties in the community?

Mr. Hanson: I think that many officers, including chief constables, already spend more than that amount of time doing community policing on the street. Neighbourhood and community policing are the focus of what the Government are trying to do, and I will give my hon. Friend the statistics to show that that is the case.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Minister emphasise that community policing can reduce the need for and the incidence of ASBOs, not least in

the Upton estate in Macclesfield? Is that not because the police are thereby establishing meaningful relationships with people, rather than being in a car and having no contact with them?

Mr. Hanson: That is absolutely right, and I know that the hon. Gentleman will share my aspiration to strengthen and deepen community policing still further. It is absolutely right that the police are in contact with local people, that they identify their problems and draw up action plans with local councils to deal with them, and that ASBOs are used if necessary when solutions have failed, not as the first port of call.

Youth Offending (Wirral)

15. **Ben Chapman** (Wirral, South) (Lab): What steps his Department has taken to reduce rates of youth offending in Wirral in the last 12 months; and if he will make a statement. [295140]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The Government have allocated £415,000 to Wirral since 2008 to fund intensive packages of activities to reduce youth offending.

Ben Chapman: A recent inspection of youth offending services in Wirral found that there was much more work to be done to reduce reoffending rates. Could my right hon. Friend tell me what work his Department is doing with the Ministry of Justice to see that that takes place?

Mr. Hanson: There are a range of things. I refer my hon. Friend to the youth crime action plan in particular, whereby we are putting in place measures that include Friday and Saturday night activity on the streets, help and support for young people, and interventions for particularly difficult and challenging families. That is part of the resource that we have allocated to Wirral in the past 18 months. The programme is designed to prevent individuals from getting involved in crime in the first place, but we also need strong enforcement and action in the courts to help prevent them from going further once they come into contact with the system.

Police Patrols

18. **Mr. Peter Bone** (Wellingborough) (Con): What his most recent estimate is of the proportion of the working week spent on patrol by police officers in (a) Northamptonshire and (b) England. [295143]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I refer the hon. Gentleman to the answer that I gave him when he asked the same question in February this year.

Mr. Bone: In my county, the number of police officers on patrol has fallen by 30 per cent. When the Minister tried to solve the problem, did he go to the permanent secretary and say, "How do we solve the problem?" and did the permanent secretary reply, "Well, let's just abolish the statistics"? Because that is what they have done: they have abolished the statistics, so nobody knows how many police are on patrol. *[Interruption.]* Yes is the answer.

Mr. Hanson: Self-evidently, the hon. Gentleman and I will disagree on this matter. Whatever is happening overall, crime is down 36 per cent., including 4 per cent. last Thursday. Overall, the police are doing a good job driving down crime, in stark contrast to when the hon. Gentleman's party was in office.

Policing (Bassetlaw)

19. **John Mann** (Bassetlaw) (Lab): How many (a) police officers and (b) police community support officers there are in the Bassetlaw constituency; and how many there were in 2004. [295144]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): Data are unfortunately not collected centrally at a constituency level, but I can give my hon. Friend figures for Nottinghamshire as a whole in due course.

John Mann: Luckily for the Minister, I got the figures last Friday from the chief superintendent. We have only 16 police officers covering the whole of the Bassetlaw and Newark division, and that is because all the rest are down in the city of Nottingham, which has had loads of murders. As it now has nothing like that number of murders, is it not time that the Government intervened to get the police authority to shift police back from the cities and into the rural areas and the mining communities where they are needed?

Mr. Hanson: I am grateful to my hon. Friend. If he looks at the overall figures, he will see that there are 2,380 police officers in Nottingham, which is 57 more than in 1997, and that there are 243 police community support officers in post who were not there when the previous Government were in power. I accept what he says about the operational decisions by the chief constable, but I happen to think that Nottinghamshire police authority should hold the chief constable to account in regard to putting those priorities in place, and that is where my hon. Friend should raise those concerns.

Prisoner Release (Terrorism Offences)

20. **Mr. Richard Benyon** (Newbury) (Con): What steps (a) police forces and (b) his Department's agencies take to monitor the activities of individuals convicted of terrorism offences following their release from prison. [295145]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The Government take their responsibilities to protect the public seriously. The police and relevant agencies take all necessary steps to manage the risk posed by those individuals.

Mr. Benyon: I note the Government's attempts to keep us all secure, but will the Minister comment on the fact that 40 people convicted of terrorism offences have been released into the community, and that a further 25 are set to be released? This is going to put huge burdens not only on our police and security services but on our hard-pressed probation service. How can we be convinced, given the tightness of resources, that the Government are doing their job?

Mr. Hanson: As will happen, there are occasions when people complete their sentences and are released back into the community. It is our job to ensure that we manage those individuals safely in the community. The hon. Gentleman will know that the probation services across the country, along with our colleagues in the Home Office, are determined to manage that risk effectively. We are doing so, and we have put in extra resources to manage it—in the prisons and the probation service—through the National Offender Management Service and the Home Office. Unfortunately, however, people do sometimes complete their sentences.

Topical Questions

T1. [295150] **Mr. David Burrowes** (Enfield, Southgate) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for the Home Department (Alan Johnson): The Home Office puts public protection at the heart of its work to counter terrorism, cut crime, provide effective policing, secure our borders and protect personal identity.

Mr. Burrowes: Will the Home Secretary assure my constituent, Gary McKinnon, who has attracted considerable public interest, that he is carefully considering the compelling new medical evidence on the impact of the extradition proceedings on my constituent's Asperger's syndrome? Will he in any event defer the execution of the extradition order until after the Home Affairs Select Committee inquiry on 10 November?

Alan Johnson: I have invited the hon. Gentleman to come and see me about this, because Gary McKinnon is his constituent. As he knows, we have stopped the clock ticking in regard to the representation to the European Court because new medical evidence has been provided. It is important that I stress that there are two issues on which Gary McKinnon's legal advisers have argued. The first is that the Director of Public Prosecutions should have tried him in this country rather than in America. The High Court dismissed that in July and would not allow the matter to go to a judicial review. In the words of the most senior judge in the country, it would be

"manifestly unsatisfactory in the extreme"

for him to be tried anywhere other than in the United Kingdom. That is finished.

On the second issue, in respect of Mr. McKinnon's human rights, of course I have to ensure that his article 3 human rights are being respected, and it is the new medical evidence that I will be looking at very carefully. I can assure the hon. Gentleman and his constituent that I will look at it very carefully before making my decision.

T2. [295151] **Mr. Jim Cunningham** (Coventry, South) (Lab): As we are coming up to fireworks night, will my right hon. Friend tell us what he is doing to protect the public from firework abuses, particularly in relation to the issuing of antisocial behaviour orders?

Alan Johnson: I believe that the legislation introduced by the Department for Culture, Media and Sport some years ago on the back of a Labour private Member's Bill has had an extraordinary effect. In fact, the personal experience of my constituents—and, indeed, my own personal experience—suggests that the problems that used to be associated with fireworks weeks and sometimes months before firework day have gone down to a very small number. My hon. Friend is right to suggest that antisocial behaviour legislation can be used in this respect, however. The powers are there to be used, and all my experience tells me that they are being used very effectively.

T3. [295152] **Mr. Philip Dunne** (Ludlow) (Con): The incidence of retail crime has reached record levels during this recession and attacks on cash and valuables in transit crews have doubled since 1997. What is the Home Secretary doing to reduce this threat?

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): The reality is that the numbers fluctuate, but I take the hon. Gentleman's point, which is that this is a very serious issue. That is why we are working with the industry, the trade unions and the police to do everything we can to tackle the problem of cash-in and vehicle crime. We are working to design out crime to make it more difficult for people to break into the vans and to ensure that banks are better equipped to deal with any incidents. We are working hard to resolve traffic problems, particularly around parking—leaving the vans parked away from the places they are delivering to. We are also working with colleagues in the Ministry of Justice to make sure that the sentencing fits the crime.

T4. [295153] **Harry Cohen** (Leyton and Wanstead) (Lab): Although I support the Government's legacy programme, cases are being taken out of sequence, dealing with families first. This will result in an onerous burden on local authorities and the Benefits Agency. How will the Government mitigate this problem? Will they move back to taking cases in sequence, and will they allow people to work ahead of their decision?

The Minister for Borders and Immigration (Mr. Phil Woolas): It is a very difficult balance. We have consulted the House and are grateful for the help of the Home Affairs Select Committee. We have criteria for the order in which we should deal with cases. I would ask my hon. Friend to bear in mind the fact that until 2007 just under a fifth of claims were duplicate claims from across the EU, and there is significant duplication, as the hon. Member for Ashford (Damian Green) said, in the 40,000 cases across migration and asylum. I have an open mind on the criteria, however.

T7. [295157] **Mr. Adam Holloway** (Gravesham) (Con): In Gravesham, antisocial behaviour orders really are taken as a badge of honour by some kids. The Minister has already spoken about the problem of the breaching of ASBOs, so should there not be some really meaningful sanction against those kids who do breach them?

Alan Johnson: First, I do not accept the premise that an ASBO is a badge of honour. This phrase came from a Youth Justice Board study into a tiny number—124—of cases and has never been supported by any other evidence.

If the hon. Gentleman spoke to the police, who are the people who know about this, they would point out that if young people wanted ASBOs as a badge of honour, why would they go to such extraordinary lengths to avoid them?

T5. [295155] **Ben Chapman** (Wirral, South) (Lab): During a visit to an excellent open day at Wirral magistrates court last week, I discovered that the level of unpaid fines, despite considerable improvement, remained high. Obviously, if fines are not paid, their deterrent effect is reduced, so what measures are being taken by the Home Office, in conjunction with the department of legal affairs, to ensure that these unpaid fine levels are reduced?

Alan Johnson: My hon. Friend mentions a "Ministry of Legal Affairs", which sounds like something from "The Thick of It". If he is talking about the Ministry of Justice, I can tell him that we work very closely with it. Unpaid fines are, of course, a matter for that Department and I know it is working very hard to ensure that they are paid. Indeed, it can point to statistics showing an incredible improvement over the last 10 years.

T8. [295158] **Mr. Edward Timpson** (Crewe and Nantwich) (Con): In recent months, Crewe and Nantwich residents have been working in close partnership with the police in the fight against drugs on the streets. Although I am sure the Home Secretary would commend them for their actions, what can he tell them that the Government have planned to help to alleviate the administrative burden placed on the police in dealing with drugs crime?

Alan Johnson: The administrative burden is not confined to drug crimes; it should be reduced to the absolute minimum for the police in all respects. We have had some incredible success on that in removing bureaucracy from the police's shoulders. I recently made a speech saying that there is much further to go, which is why we asked Jan Berry, the former head of the Police Federation, to look at this for us and present a completely independent report to tell us where she thinks, from her vast personal knowledge and experience, we could do more to help. Her report is due very shortly.

T6. [295156] **David Taylor** (North-West Leicestershire) (Lab/Co-op): The phrase "domestic extremism" is now widely employed by police forces seeking to control and classify many public demonstrations, even though they are legitimate and non-violent political protests. What guidance has the Home Secretary issued to chief constables on the definition and use of that phrase in this context?

Alan Johnson: I have not issued any guidance on the definition of that phrase. The police know what they are doing and how to tackle such demonstrations, and they do so very effectively. A combination of the right legislation introduced by my predecessor, the right hon. Member for Norwich, South (Mr. Clarke), the police treating the matter as an absolute priority and other measures have led to far fewer problems as a result of animal rights extremism. That is one form of domestic extremism, and if the police want to use such a term, I would not fall to the floor clutching my box of Kleenex. It sounds like a sensible way to describe such forms of extremism.

T9. [295159] **Mr. Henry Bellingham** (North-West Norfolk) (Con): Given that the Home Secretary has stated that it is in the interests of justice that the killers of Yvonne Fletcher are charged, why is the Met sitting on a Crown Prosecution Service-commissioned report that concluded that there is sufficient evidence to charge Matouk Matouk and Mohammed Baghdadi with conspiracy to murder?

Alan Johnson: If the hon. Gentleman cares to contact me, I will consider that matter. I have not heard of the report he mentions, but we want to ensure that justice is done by Yvonne Fletcher. That has been our priority from the start, and that is why it was a major part of our discussions with Libya a few years ago.

Ms Sally Keeble (Northampton, North) (Lab): When will my right hon. Friend bring forward the final code on alcohol sales, as promised in the Policing and Crime Bill? Will it deal with the problem of cut-price promotions in shops, pubs and clubs?

Alan Johnson: On the latter question, I hope that the code will deal with that matter. On the former question, we have finished the consultation and are preparing a response that will be out soon.

David Howarth (Cambridge) (LD): Further to the question asked by the hon. Member for North-West Leicestershire (David Taylor) about the alphabet soup of agencies that appears to have decided to put everyone in the country who protests about anything on a list of suspects, does the Home Secretary agree that that is an example of mission creep? It has gone beyond the original intention of dealing with violent animal rights extremists, and everyone else in the country who protests is now being treated in that way.

Alan Johnson: I do not accept that, and I do not know why Liberal Democrat Members jump to that conclusion. The police are doing their job effectively. There was an issue around the G7 protest or the G20 protest—one of the protests—earlier this year that led the police to look again at some of their procedures. The result of those deliberations will be in the White Paper on policing, which will be published shortly.

Mr. Ian McCartney (Makerfield) (Lab): My right hon. Friend has been doing a lot of work behind the scenes to introduce a scheme to assist British citizens who are victims of terror abroad. May I ask him when the Government are likely to introduce a scheme and make some announcement? The victims of Bali, Mumbai and Sharm el-Sheikh and their families have waited far too long to get compensation for the brutal attacks, deaths and injuries that they have had to put up with over the past decade or so.

Alan Johnson: I commend my right hon. Friend for his work in this connection. As he will know, the Prime Minister and the Government are keen to introduce a scheme whereby those British people injured in terrorist attacks abroad have the same rights to compensation as

they would have if they were injured in this country. Having said that, a number of problems need to be got round, and I hope that the committee that I chair will come to a conclusion on that soon.

Philip Davies (Shipley) (Con): The Office for National Statistics has said that the population of this country will increase by 10 million in the next 25 years. Are the Government happy that immigration will be on that level, or do they agree that they should do everything they can to ensure that it does not reach such a level?

Mr. Woolas: The Office for National Statistics did not say that; it made it clear that it was not a forecast but a projection based on previous years. In the same release, it accepted that the projection could be, and is being, affected by Government policies on other matters.

Mrs. Ann Cryer (Keighley) (Lab): Are the Government aware that many young Asian ladies in my constituency would like a change in immigration regulations to prevent those entering as a spouse from bringing in a further spouse following an Islamic divorce?

Mr. Woolas: Yes, the Government are very aware of that point, and pay tribute to my hon. Friend's work, which has received tremendous support, especially from young Asian women. We will do all that we can to ensure proper fairness in that policy area.

Miss Anne McIntosh (Vale of York) (Con): Given that retail crime such as shoplifting is increasing, and that the level of unpaid fines is rising, will the Government insist that all penalty notices be issued at a police station?

Mr. Alan Campbell: We have changed the guidelines on penalty notices. We are saying that they must be used more proportionately, and only for first offences. However, I shall look into the hon. Lady's specific point just in case we need to make further changes.

Chris McCafferty (Calder Valley) (Lab): What early feedback has my right hon. Friend received from the head of the UK Human Trafficking Centre about freshly commissioned research by regional intelligence units on the actual scale of sex trafficking in this country?

Mr. Campbell: We continue to take this important issue seriously. It is extremely difficult to establish the true number of people involved because of the nature of the crime, but we work with our colleagues internationally as well as with agencies in the United Kingdom, and we are trying hard to obtain an accurate figure.

Mr. James Clappison (Hertsmere) (Con): Given his reply to my hon. Friend the Member for Shipley (Philip Davies), is the Minister for Borders and Immigration making the case that the United Kingdom population will not reach 70 million?

Mr. Woolas: The Government have no policy on what the birth or death rate in our population should be in 15 years' time, but I can tell the House that our migration policy is already paying dividends in reducing net migration. The ONS reported that it had fallen to 45 per cent. of the projected increase, and that was partly a result of the measures that we have taken.

Mr. Denis MacShane (Rotherham) (Lab): I do not know whether my hon. Friend read the eccentric report in *The Guardian* last week suggesting that there were no sex trafficking crimes, which will come as news to the gentlemen who have been banged up for that odious crime. Will he convene a public and transparent conference to discuss the issue? It cannot be right for academics and journalists to say that sex trafficking is non-existent in the United Kingdom.

Mr. Alan Campbell: As I have said, we are working hard to obtain the correct figure, but, as my right hon. Friend will know, that is extremely difficult. I find it regrettable when speculative articles are published in the media giving the erroneous impression that exercises such as Operation Pentameter did not lead to arrests and are not important in making the United Kingdom hostile to traffickers; once we have some figures, I shall return to my right hon. Friend to discuss his suggestion.

Territorial Army

3.32 pm

Dr. Liam Fox (Woodspring) (Con) *(Urgent Question)*: To ask the Secretary of State for Defence if he will make a statement on his proposal to change the funding for Territorial Army training.

The Minister of State, Ministry of Defence (Bill Rammell): I apologise on behalf of the Secretary of State, who is unable to come to the House as he is dealing with departmental business overseas.

The Territorial Army makes a vital contribution to keeping our country safe, and 540 TA members are currently deployed on operations in Afghanistan. When we have forces in the front line putting their lives on the line for us, they must be the priority, and Afghanistan is the main effort for defence. It gets the first call on money, the first call on equipment, and the first call on training and support.

More than £3 billion has been drawn from the Treasury reserve to support operations this year, but we need to reprioritise the core defence budget as well. That means that tough choices need to be made. Recruitment to the Army has experienced a significant boost this year—over 1,000 more recruits are expected to complete training than did so last year—but those additional recruits need to be paid for. The Chief of the General Staff presented proposals to help bring the budget into balance, and, as extra money cannot be drawn from the Treasury reserve for the purpose, the Army proposed to reduce the amount spent on the Territorial Army this year, as well as taking other measures.

After discussion, the Secretary of State endorsed the approach taken by the Army. We did so while making it clear that we would not allow any risk to the Afghanistan campaign in the future to materialise. No TA soldier will be deployed on operations unless the Army is satisfied that he is properly trained and prepared, and pre-deployment training is emphatically not being cut.

Our initial proposal was to suspend the remainder of non-deployment TA training in this financial year, with a saving of £20 million; but, as a Government, we do listen. The Secretary of State has therefore decided on a small adjustment to our original proposals to ensure continuity for those not immediately being deployed to Afghanistan, and to help retention. All TA personnel will now receive at least one training night per month in the current financial year. This measure reduces the in-year savings by £2.5 million.

I realise that the reductions in normal activity are disappointing for TA members, but I believe that they will understand the reasons behind those reductions and the exceptional circumstances in which they are being applied. Tough choices cannot be made without consequences, so let me be clear. The media and the Opposition have been calling for more focus on current operations, but they cannot will the ends and then oppose the means. These measures are sensible, proportionate and will ensure that we make Afghanistan the main effort, and I hope they will be supported on both sides of the House.

Dr. Fox: I would like to ask three simple questions. First, the Government have previously told us that they

"always finance our military commitments overseas out of the reserve."—[*Official Report*, 5 February 2009; Vol. 487, c. 1083.]

Then the Secretary of State said last week:

"We are adjusting the core defence budget to reprioritise Afghanistan".—[*Official Report*, 15 October 2009; Vol. 497, c. 469.]

Some of us are surprised that it was not already the No.1 priority, but if it is fully funded from the reserve, as the Government say, why are they cutting the core TA budget by £43 million?

Secondly, we know that, due to the recession and the major recruitment drive in the past year, there are more recruits in the regular Army than there is money to train them, and the Government have now demanded savings from other parts of the Army. Why did the Government not plan to fund their own target numbers for recruitment, especially in the middle of a war?

Thirdly, do the Government really understand the ethos of volunteering or the effect their plans could have on future available numbers? For many, the TA is a habit; break the habit, break the TA. Pre-deployment training is only of use if we have the numbers to start with. Is it not the case that pre-deployment training is meant to augment, not supplant, routine TA training, so routine training is just as important as pre-deployment training? Whether or not an individual is deploying on operations, regular and routine training is required to ensure medium and long-term readiness in the TA for any future deployments to Afghanistan, or elsewhere.

These proposals are a shambles. They must be reversed.

Bill Rammell: The hon. Gentleman knows full well how the reserve operates. Most of the cost of operations is met from the Treasury reserve, but the defence budget still meets some of the cost. Where activity would take place regardless of operations, the defence budget meets the cost even if the activity directly supports operational capability. That was the case under the last Government, and it is the case under this Government.

The reality is that we face increased pressures this year, including due to increased numbers coming into the Army, which we welcome, as well as less income from estates disposal and as a result of exchange rate fluctuations. Reading between the lines of the hon. Gentleman's contribution, I think that he actually welcomes the minor adjustment we have announced today. It is one that has been called for from those on the Opposition Benches. I also have to say that it ill behoves the Opposition—whom, let us remember, are not proposing one additional penny of expenditure within the defence budget—to urge us to prioritise efforts in Afghanistan and then to cry foul as soon as that leads to difficult decisions. That is dishonest and disingenuous, and it ill serves our TA. *[Interruption.]*

Mr. Speaker: Order. I do not require any advice or help from the hon. Member for Wellingborough (Mr. Bone). I am sure the Minister will want to make it clear that he is not accusing anyone in this Chamber of behaving dishonestly.

Bill Rammell: Absolutely, Mr. Speaker. It is the policy proposition that I believe is dishonest.

Mr. Speaker: I am grateful.

Nick Harvey (North Devon) (LD): The financial problems of the Ministry of Defence are well known to us all, but of all the possible ways of trying to plug the gap, doing so through the Territorial Army must surely be the worst possible candidate. In financial terms, this amounts to a very small saving. The damage that could be done, however, is disproportionate to any saving that could be made.

An increasing burden has been put on the Territorial Army in recent years. If it were not for its efforts and the skills it brings from civilian life, we would have struggled in our operation in Afghanistan in recent times. It is carrying a far bigger burden than it has ever been used to bearing in the past. The Government's judgment is very wide of the mark, and they would do very well to reflect on Napoleon's maxim that "the moral is to the physical as three to one", in which case this decision will do far more damage to the morale and preparedness of the TA in years to come than is worth the tiny amount they are going to penny pinch from it. I think the Government would do well to reflect on this, and find other ways of making these very meagre cuts to plug their very big black hole.

Bill Rammell: I absolutely agree with the underlying assertion of the hon. Gentleman's question, which is that the role of the TA is critical to meeting our future defence capabilities, and, indeed, our existing defence capabilities. As I said earlier, 544 members of the TA are currently serving in Afghanistan, and doing an incredible job on our behalf.

I reiterate that in the changes we are making, no pre-deployment training will be cut from the reserves. Having listened to the arguments that have been put forward, we are also ensuring that through this small adjustment, we can make sure that during this financial year there is an ongoing relationship between members of the TA and the activities they undertake.

Mr. Bruce George (Walsall, South) (Lab): I am not known to be hostile to the Government on defence, but I am very concerned about the Territorial Army, knowing its importance. Three hon. Members signed an early-day motion that is very modest in its aspirations, not over-the-top. What I would ask, despite having heard the explanation, is whether, even at this stage, such a small amount of money, which must be minuscule compared with the overall defence budget, can be looked at seriously again. Does this not send the wrong message? Are we not talking about the most effective element of our entire defence budget? Surely some other area could be plundered if necessary in the short term, instead of sending that erroneous, potentially damaging message—

Mr. Speaker: Order. I am extremely grateful and we have got the point very clearly.

Bill Rammell: I have great respect for my right hon. Friend, who has enormous experience in these areas. We have listened to the concerns and arguments that have been put forward, which is why we have made this minor adjustment—in response to those. However, on the overall argument, if we are to reprioritise our efforts to the front line in Afghanistan, there are no easy options in arriving at that conclusion. That is why we have taken the decisions we have. Nevertheless, we have listened to the arguments that have been put forward, and I think that when my right hon. Friend looks at the detail of what we are proposing, he will find some reassurance.

Mr. Desmond Swayne (New Forest, West) (Con): My entry is in the Register of Members' Financial Interests. What estimate has the Minister made of the impact that this will have on recruitment to the Territorial Army?

Bill Rammell: First, this is a savings measure for this year. Secondly, people within the TA and those who aspire to join it understand the overall operational environment within which we are working, and the fact that we need to focus our efforts on Afghanistan. Thirdly, I do not believe that this will adversely hit recruitment to the Territorial Army.

John Reid (Airdrie and Shotts) (Lab): I welcome my hon. Friend's adjustment. I fully agree with his requirement to prioritise, and I have full confidence in the Chief of the General Staff, General Richards. May I also therefore explain the problem that I have? If prioritisation is to be carried out and Afghanistan is essentially a conflict where we have to win the people—not just a conventional war against an army—then our greatest resource is people. I therefore believe that it would be right to keep his decisions under careful review. Like my right hon. Friend the Member for Walsall, South (Mr. George), I would not like us to get into an intransigent position whereby we have taken a decision from which we cannot back off, and then discover that it is having an effect on that reservoir of people on whom the armed forces defends, which includes the Territorial Army. I ask my hon. Friend please to keep the situation under review.

Bill Rammell: I agree with the underlying thrust of what my right hon. Friend is saying. There has been—I choose my words carefully—much debate in the public and media environment in recent months about Ministers taking advice from the military, and he is right to underline the fact that this proposal was put forward by the Chief of the General Staff and that we have, upon consideration, agreed with it. Nevertheless, on his point about careful review, we have not adopted an intransigent position, as evidenced by the adjustment we are making this afternoon. As with all decisions, we will keep this under active review.

Mr. Julian Brazier (Canterbury) (Con): We are looking forward to seeing the Minister at 5 o'clock. May I urge him to ask the Chief of the General Staff, in his next conversation with him, whether he is aware of the sacrifices that the families of Territorials make, and whether he would consider imposing such a percentage cut on the income of regular families in this way? Could I also ask—

Mr. Speaker: No is the answer, I am afraid; one question will do.

Bill Rammell: May I say to the hon. Gentleman, who takes an enormous interest in these matters, that I am looking forward to the meeting at 5 pm, which I asked for in order to engage with the all-party group? We can

[Bill Rammell]

go into some of the detail of this at that stage. I understand the concern being put forward on behalf of families, but I reiterate that if we are to prioritise and focus our efforts on Afghanistan, that inevitably entails difficult decisions.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Does my hon. Friend accept that the announcement of the £20 million reduction that was made has already caused a great deal of demoralisation within the TA? Does he further accept that today's announcement, although welcome, does not go far enough to overcome that demoralisation?

Bill Rammell: I met my right hon. Friend before the summer recess to discuss his specific concerns. The original proposals, to which he referred, were driven by changes in communications technology, which led to an overall improvement in the capability of the TA. Nevertheless, in respect of these changes, we have listened to the arguments that have been put forward by many Members, himself included, and we have made this adjustment.

Angus Robertson (Moray) (SNP): Ministry of Defence statistics show a £4.3 billion defence underspend in Scotland over recent years. Can the Minister tell us what the financial consequences of the current TA situation will be in Scotland?

Bill Rammell: The TA in Scotland will be affected in exactly the same way as the TA across the country. Non-pre-deployment training is being affected, but the adjustment that I am announcing today goes some way to addressing that concern. The TA, both in Scotland and across the United Kingdom, makes an enormous contribution to the safety and security of our country.

Mr. Tom Watson (West Bromwich, East) (Lab): Given that the cuts were proposed by General Sir Richard Dannatt, has my hon. Friend announced the first Tory U-turn? Will he accept my reassurance that he will have our full support if he is to keep this policy under constant review?

Bill Rammell: This proposal was put forward by the current Chief of the General Staff, General Sir David Richards. Nevertheless, as I said earlier, we will keep this under active review, and I welcome my hon. Friend's contribution towards that.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I welcome the announcement that the Minister has made. It is a small step in the right direction—I hope that by the end of the evening a few more steps in the right direction will have been taken. No member of the TA is to be deployed unless they have passed through the reserves training and mobilisation centre at Chilwell. That is currently a testing organisation, but as a result of this change, the RTMC will become a training organisation before deployment. The Minister may have inadvertently misled the House, because at the moment some TA soldiers are being deployed at risk. I simply want his assurance that no more will be deployed at risk as a result of this decision.

Bill Rammell: I welcome the fact that the hon. Gentleman has welcomed this change. I know that it was a suggestion that he put forward last week, and that is evidence that, as a Government, we listen to the views expressed. However, I wish to be clear and specific about pre-deployment training. The advice provided through the chain of command from the service chiefs is that this will not impact on pre-deployment training and no TA soldier is being deployed at risk.

Ms Sally Keeble (Northampton, North) (Lab): Having spent some time with the TA as part of the armed forces parliamentary scheme, I am sure that my hon. Friend would wish to join in the tributes to the outstanding work that they have done. Does he accept that for people who have repeatedly been out to Afghanistan and Iraq this will look like a very poor return for their enormous service on the front line?

Bill Rammell: I do pay tribute—I did so earlier—to the incredible work that the TA does on our behalf. Members of the TA who have deployed to Afghanistan—indeed, this applies to the 544 deployed there at the moment—will understand the necessity to prioritise towards our efforts there. For that reason, the measure will provide some support. We have also listened and made the adjustment that is being put forward this afternoon.

Bob Russell (Colchester) (LD): The Minister says that no TA soldiers will be deployed to Afghanistan unless they have been on pre-deployment training. Does he accept that a large number of TA soldiers may choose to walk away because of these spending cuts, so there will be fewer soldiers to go on pre-deployment training in any case?

Bill Rammell: I do not believe that that is the case, and the hon. Gentleman under-represents the commitment and enthusiasm of members of the TA. I do not believe that they will walk away. Nevertheless, with the small adjustment that we are making today, we have made it clear that we have recognised the need for some ongoing, month-by-month, paid training for reservists, even if they are not deploying to Afghanistan. I believe that that will be welcomed in the reserves.

Mr. Lindsay Hoyle (Chorley) (Lab): I am sorry for the Minister, who has become an apologist for a crass decision. The problem that we face is, as he quite rightly states, that we have to make tough and hard decisions. However, we should not make the wrong decision—and that is what we have seen. Will he reflect on what he has heard today, go back to the Secretary of State and put the budget back in place? Otherwise, we will have nobody left in the TA.

Bill Rammell: I know that my hon. Friend has an enormous commitment to the Territorial Army. Nevertheless, with respect, I do not agree with his assertion. There are no easy options in managing the defence budget. Let us consider the challenges that we are facing this year: a significant uplift in recruits to the regular Army, reduced income from estate disposal and exchange rate fluctuations. I can honestly say to my hon. Friend that there are no easy options.

Mr. Andrew Robathan (Blaby) (Con): Members of the armed forces are aware that one does not blame one's subordinates for one's own mistakes. May I say to the Minister, who is a likeable cove, that it is unworthy of him to blame the Army and the Chief of the General Staff for the fact that he has had to come up with these cuts? Does he accept that the sole responsibility for these decisions lies with Ministers, who were responsible for underfunding the Afghan campaign and the armed forces as a whole?

Bill Rammell: It simply is not accurate to say that we have underfunded the Afghan campaign. The expenditure from the reserve has risen from £700 million three years ago to more than £3 billion today. I am certainly not blaming the military for this decision—I was simply asserting that it is a fact that in the debate about how decisions are made, Ministers listened to the advice of the service chiefs, and this decision is in line with that advice. Nevertheless, the responsibility for the decision is mine and that of the Secretary of State.

Ann Winterton (Congleton) (Con): May I impress on the Minister how angry and disillusioned members of the Territorial Army are? They were reassured that they were members of one Army, and now they are being treated as second-class citizens. Their pre-deployment training might not be in doubt, but how does the Minister expect them to turn up with the right levels of fitness and skills to take part in that pre-deployment training for Afghanistan?

Bill Rammell: I do understand the concerns; I have a TA regiment in my constituency. I endorse and agree with the hon. Lady's view on one Army and the critical role that the TA plays, but she is under-acknowledging the change that we are making today, which I believe will be widely welcomed by members of the TA.

Marine and Coastal Access Bill *[Lords]* (Programme) (No. 2)

3.53 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): I am pleased to bring back to this House the Marine and Coastal Access Bill, after it has been considered for some time in the other place and in the Public Bill Committee.

I begin by moving new clauses 2, 3, 4, 5 and 6 and amendments 6, 7 and—

Mr. Speaker: Order. I am reluctant to interrupt the hon. Gentleman, but it would be helpful to me and to the House to be clear about whether he is clear that he is moving the programme motion at this point.

Huw Irranca-Davies: I stand corrected, Mr. Speaker, and I apologise.

I beg to move,

That the Order of 23 June 2009 (Marine and Coastal Access Bill [*Lords*] (Programme) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on consideration and Third Reading shall be concluded in two days.

3. Proceedings on consideration shall be taken on each of those days as shown in the following Table and in the order so shown.

4. Each part of the proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

First Day

Proceedings	*Time for Conclusion of Proceedings*
New Clauses, amendments to Clauses, new Schedules and amendments to Schedules elating to Part 6; new Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 9; new Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 5; new Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 7; new Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 8.	The moment of interruption.

Second Day

Proceedings	*Time for conclusion of proceedings*
New Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 1; New Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 2; New Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 3; New Clauses, amendments to Clauses, new Schedules and amendments to Schedules relating to Part 4; remaining new Clauses and new Schedules; remaining proceedings on consideration.	6.00 pm

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm on the second day.

[Huw Irranca-Davies]

I pay tribute to the work of the Committee and all its members, who have done sterling work on a Bill that was already extremely good when it entered the other place. It is now an even better Bill and I hope that as a result of our deliberations today, it will become if not perfect then as near to perfect as we can make it.

Mr. Speaker: I am grateful to the hon. Gentleman, who has moved the programme motion in what I might describe as an idiosyncratic manner. The House will not hold that against him.

Question put and agreed to.

Marine and Coastal Access Bill *[Lords]*

[1ST ALLOCATED DAY]

[Relevant documents: Report from the Joint Committee on the Draft Marine Bill, Session 2007-08, HC 552-I and -II, and the Government response, Cm 7422. Ninth Report from the Environment, Food and Rural Affairs Committee, Session 2007-08, on the Draft Marine Bill: Coastal Access Provision, HC 656-I, and the Government response, Cm 7422.]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 2

POWER TO ENTER INTO AGREEMENTS WITH ELIGIBLE BODIES

'(1) The authority for an IFC district may, with the approval of the Secretary of State, enter into an agreement with an eligible body authorising the eligible body to perform any function of the IFC authority—

(a) either in relation to the district or in relation to specified parts of that district;

(b) subject to paragraph (a), either generally or in specified cases.

"Specified" means specified in the agreement.

(2) For the purposes of this section and sections [Eligible bodies], [Variation, review and cancellation of agreements under section [Power to enter into agreements with eligible bodies]], [Agreements under section [Power to enter into agreements with eligible bodies]: particular powers] and [Supplementary provisions with respect to agreements under section [Power to enter into agreements with eligible bodies]]—

(a) any reference to a function of an IFC authority includes a reference to a function exercisable by a person authorised, appointed or employed by the IFC authority;

(b) any reference to an agreement is to an agreement under this section.

(3) The Secretary of State's approval may be given—

(a) in relation to a particular agreement or in relation to a description of agreements;

(b) unconditionally or subject to conditions specified in the approval.

(4) An agreement under this section may not authorise an eligible body to perform any of the following functions—

(a) any function whose performance by the body would be incompatible with the purposes for which the body was established;

(b) functions under section 171 (accounts).

(5) An agreement under this section does not prevent the IFC authority from performing a function to which the agreement relates.

(6) The maximum period for which an agreement under this section may authorise an eligible body to perform a function is 20 years.'.—*(Huw Irranca-Davies.)*

Brought up, and read the First time.

3.55 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following:

Government new clause 3—*Eligible bodies.*

Government new clause 4—*Variation, review and cancellation of agreements under section [Power to enter into agreements with eligible bodies].*

Government new clause 5—*Agreements under section [Power to enter into agreements with eligible bodies]: particular powers.*

Government new clause 6—*Supplementary provisions with respect to agreements under section [Power to enter into agreements with eligible bodies].*

Government amendments 6 to 8

Amendment 27, in clause 184, page 117, line 27, at end insert—

'(2A) The provisions in sections [Power to enter into agreements with eligible bodies], [Eligible bodies], [Variation, review and cancellation of agreements under section [Power to enter into agreements with eligible bodies]], [Agreements under section [Power to enter into agreements with eligible bodies]: particular powers] and [Supplementary provisions with respect to agreements under section [Power to enter into agreements with eligible bodies]] shall apply to Welsh Ministers in relation to Wales.'.

Huw Irranca-Davies: I shall speak to new clauses 2, 3, 4, 5 and 6, and amendments 6 to 8.

Part 6 will replace sea fisheries committees with inshore fisheries and conservation authorities—IFCAs—in England. These will have a duty to manage sea fisheries sustainably, balancing socio-economic benefits with protection of the marine environment. They will have more money and strengthened powers, while retaining local involvement in decision making. Under the current Bill model, IFCAs will lead on marine species management in the inshore area, including in estuaries. The Environment Agency will lead on protection for salmon, trout, other migratory species and freshwater fish in estuaries and as far out as the 6 nautical mile limit.

As many hon. Members are aware, in January we launched a consultation on options for the number of future inshore fisheries and conservation districts. Following that consultation, I am happy to confirm that 10 IFC districts will be established, and the new IFCAs will be established with full powers and duties in April 2011. The Department will carry out more detailed consultation in 2010 to establish the exact landward and seaward boundaries of the new districts. I know that that announcement will be welcomed by all Members of the House.

During a useful Commons Committee discussion on part 6, concerns were raised by a number of Members that the Bill as drafted did not provide sufficient flexibility to ensure the most joined-up inshore fisheries management, particularly in areas such as estuaries. In Committee, considerable pressure was exerted on us to amend the Bill so that IFCA functions can be delegated to the Environment Agency in particular, so that marine fisheries in estuaries could be managed in the most efficient way.

To address this, we have tabled new clauses 2, 3, 4, 5 and 6 and amendments 6, 7 and 8, which provide the option for IFCA functions to be delegated to the Environment Agency and to neighbouring IFCAs. An order-making power is provided to add to the list of eligible bodies so as to enable delegation to be made to other, named public bodies. Bodies can also be removed from the list.

Bill Wiggin (Leominster) (Con): Will the Minister be kind enough to explain briefly why he has chosen the Environment Agency rather than the Marine Management Organisation for this function?

Huw Irranca-Davies: That is a good point. The Bill is future-proofed, in that the Secretary of State, with the agreement of an IFCA and partners on the ground, could agree in future to delegate to another body. That could be the MMO, another IFCA or the Environment Agency. It could be another body which, at this moment, I cannot imagine. We have future-proofed the Bill, but we have also made it clear that the Secretary of State can waive that delegation power. The purpose of the measures is to give that flexibility, recognising, as has been the focus of the Bill, that there will be local solutions on the ground. I am sure the hon. Gentleman will welcome that.

Mr. Austin Mitchell (Great Grimsby) (Lab): I have no quarrel with or opposition to what is proposed, because it seems a sensible redistribution of functions to bodies best able to perform them. However, I should like my hon. Friend's assurance that fishing, which has been excessively heavily burdened with regulations, will not be burdened with further regulations as a result of this reorganisation.

Huw Irranca-Davies: My hon. Friend, who is a stalwart advocate of the fisheries not only in Grimsby, in his constituency, but throughout the UK, is right to raise the issue of fisheries' regulation, but I assure him that the proposed changes would provide flexibility to ensure that the best organisation had responsibility for forward fisheries management locally and regionally. The proposed changes would not add any bureaucracy or regulation, and he can report those assurances not only to his constituents, but to sea fishermen throughout the UK.

4 pm

Andrew George (St. Ives) (LD): Do the Government's proposed changes risk causing an unintended consequence? Sea fisheries committees already co-operate informally across borders, and they can assist each other, for example, with monitoring and enforcement measures. No formal agreements exist, but would the proposed changes require IFCAs to introduce such agreements?

Huw Irranca-Davies: No. The Bill includes a provision to formalise agreements on working across estuaries or water areas, but existing voluntary arrangements and the ability to work together across areas, including on enforcement and so on, will continue. The proposed changes would not hamper that arrangement, and we would not want that to happen. However, they are designed to respond to the concerns, rightly raised in Committee, that the demarcation of IFCAs and the Environment Agency represented a somewhat rigid approach to who was responsible, not least in upper estuary areas. The sole purpose of the proposed changes is to introduce flexibility; it is certainly not to override the effective existing partnerships with sea fisheries committees and others.

The Bill already provides for MMO functions to be delegated to relevant bodies, including IFCAs, and our proposed changes would provide for a similar model of delegation for IFCA functions. I shall turn to the key

[Huw Irranca-Davies]

elements of that delegation. First, the delegation of functions would occur from an IFCA to an "eligible body" in relation to any specified areas of an IFC district. Secondly, any delegation would require the Secretary of State's approval, and it would be carried out only where there was agreement between the IFCA and the relevant body. That is important, because, to take up the hon. Gentleman's point, I should say that through that mechanism we are looking for collaboration and partnership, not an imposed solution. Any delegation would have to be by agreement and on the approval of the Secretary of State.

Thirdly, "eligible bodies" could include any neighbouring IFCA, given the example of working in partnership, and the Environment Agency. Fourthly, the Secretary of State could also, by order, add additional eligible public bodies that had a purpose or function that was connected to the inshore marine area. Finally, the proposed changes include a requirement for the Secretary of State to review all those agreements at least every five years, and to cancel agreements if appropriate in the light of such reviews. None the less, under the terms of the Secretary of State's original approval, it would be possible to waive that requirement.

Let me make it clear, however, that we do not have specific expectations about when the option of delegation will be applied; that is not for us to decide in the Chamber. If the proposed changes are accepted, the issue will be looked at in detail by IFCAs and the Environment Agency. However, the proposed changes would provide useful additional flexibility, as the Committee asked for, and would future-proof the Bill. For example, they would allow one IFCA to exercise management right across an estuary, even if a local authority boundary split the estuary; and, they would allow for the Environment Agency to manage all fisheries in upper estuaries where marine species are insignificant.

I hope that the proposed changes provide reassurance that the Bill will allow fisheries management to be carried out as flexibly and efficiently as possible in inshore areas and, in particular, in estuaries. That issue exercised many Committee members, including my hon. Friends the Members for Plymouth, Sutton (Linda Gilroy) and for Reading, West (Martin Salter), who are in the Chamber, and others. The proposed changes would benefit the users of the inshore marine area and the regulators.

Mr. Roger Williams (Brecon and Radnorshire) (LD): If an IFCA delegated a responsibility to another body, such as the Environment Agency, and subsequently wanted to take back that power, would it have to wait for the review that the Minister mentioned, or would it be able to do so with the Secretary of State's permission?

Huw Irranca-Davies: No, we would not want to have to wait five years for a review. It would be within the Secretary of State's power to revisit the decision, and if the arrangement were redundant or were not working, or if there were a local desire for a different configuration of fisheries management, that could be reviewed at that time. That flexibility exists. The five-year review offers the opportunity to consider how all the arrangements are working. With those comments, I commend Government new clauses 2 to 6 and Government amendments 6 to 8 to the House, and I look forward to hearing from the hon. Member for Brecon and Radnorshire (Mr. Williams), if he is lucky enough to catch your eye, Mr. Speaker.

Mr. Richard Benyon (Newbury) (Con): It is a great pleasure to have the Bill back on the Floor of the House. I hope that the constructive relationship that we have established across the House is maintained as we work towards introducing important legislation governing the future of our marine environment.

New clauses 2 to 6 and amendments 6 and 8 relate to the delegation of functions by IFCAs to other eligible bodies. When this issue was raised in Committee, not least by the hon. Member for Reading, West (Martin Salter), the Minister committed to bringing something back on Report. The amendments will ensure that IFCAs are able to delegate elements of inshore fisheries management to other bodies. We believe that power over fisheries management needs to be returned to as local a level as possible. Fishermen, scientists and conservationists who work at the local level know how to manage our marine environment best and should be trusted with managing its future. We therefore see an important role for IFCAs in the future of fisheries management, but it is imperative that they represent the diverse range of interests that often play a role in our fisheries. The old sea fisheries committees that IFCAs will replace have, on occasion, been accused of being unrepresentative, especially of interests such as recreational angling. IFCAs must have a new, more representative membership.

IFCAs will not always be best placed to carry out certain functions, some of which could be managed by other organisations or by agencies that have more relevant knowledge or are simply better placed to perform them. It is important that IFCAs are flexible and are able to delegate their functions where necessary or sensible, and we therefore support the proposed measures. It is crucial that the relationships between the Environment Agency and IFCAs, Natural England and the Marine Management Organisation are clear in the Bill.

In Committee, we spoke about wanting to avoid a turf war. I apologise again for suggesting that it might be a surf war, and I promise not to suggest that IFCAs should be fit for porpoise; I shall try to keep the puns to an absolute minimum. How those organisations relate to each other is vital. Ultimately, it should be up to IFCAs—not, as the Minister says, to the Government or Government agencies—to decide how to devolve relevant powers to as local or relevant a level as possible. It should also be for IFCAs to decide where the correct balance of those powers lies. We are broadly supportive of the measures, and we look forward with interest to hearing what the amendment of the hon. Member for Brecon and Radnorshire (Mr. Williams) reflects about the Welsh dimension to this issue.

Andrew George: I am pleased to have this opportunity to reflect on the Committee stage of the Bill. The debate has been very constructive across parties, and I congratulate both the Ministers who served on the Committee on the manner in which they discharged their duties. I look forward to hearing further constructive debate today.

Turning to the Government amendments, I welcome the Minister's confirmation the establishment of 10 IFCAs. As he knows, I have been campaigning for that for some time to reflect the significant local engagement through the sea fisheries committees. That is such good quality and value that it would have been a great disappointment had the Government decided to go for the original proposal in the Bradley report, which was significantly to reduce the number of IFCAs compared with the current range of sea fisheries committees. I should declare an interest in the sense that two sea fisheries committees operate in my constituency—in west Cornwall and on the Isles of Scilly, with the latter having a distinct and important role in protecting not only marine conservation but a sustainable fishing industry in its own area, apart from that around mainland Cornwall.

I would be grateful if the Minister would expand a little more on the make-up of the IFCAs, to which the hon. Member for Newbury (Mr. Benyon) referred. Who will sit on them, and how will marine conservation and commercial interests be balanced when they are first established? Given my intervention, the Minister will recognise that there are already good, well-established working relationships, certainly between the sea fisheries committees and, I would argue, between those committees and the Environment Agency. Many of those relationships work well because they are informal. He assured me that the amendments will not in any way curtail or discourage the informal arrangements that have already been established, and would no doubt continue to be established, between the eligible bodies, including the Environment Agency.

However, it is important that the value of those arrangements, particularly in monitoring enforcement, should not be overlooked. For example, the vessel that is used in Cornwall, the Saint Piran, often undertakes work for the Devon sea fisheries committee, and goes to the Isles of Scilly as well. In fact, this summer the Secretary of State joined me on board the Saint Piran and saw its excellent work. The work of that vessel is largely governed by an informal arrangement between the sea fisheries committees. It would be a great pity if those informal agreements and arrangements were undermined by the terms of the amendments. I look forward to further reassurance from the Minister on that.

Broadly speaking, the amendments assume that we are talking about agreements, not disagreements; indeed, they are about aiding and encouraging formal agreements between the eligible bodies. However, they do not foresee the possibility that there may be disagreements between bodies in areas that border each other, such as the upper estuaries, which the Minister described. Can he point me to elements of the amendments that might help to resolve any disagreements that arose? Similarly, he referred to the five-year review and the 20-year length of the agreements as set out in new clause 2. It would be helpful if the Minister explained a little more about why the Government have resolved to use those particular lengths of time. What would happen if a dispute between organisations that had established formal agreement occurred long before the five-year review period was up?

I have asked some probing questions to seek clarification from the Minister on measures that the Government have brought forward entirely properly, the spirit of which I strongly support. I look forward to his response.

4.15 pm

Martin Salter (Reading, West) (Lab): I support the Government's new clauses and consequential amendments, and I thank the Minister for responding positively in Committee on 7 July to my amendment 51, which had the support of my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy), the hon. Members for Brecon and Radnorshire (Mr. Williams) and for St. Ives (Andrew George), and the hon. Member for Broxbourne (Mr. Walker), who is sometimes my fishing partner.

It is good that the Government have listened and recognised a clear flaw in the original concept of IFCAs—that they would have had responsibility right up to the tidal limit, even though they are primarily about sea fishery interests for recreational angling and for commercial and conservational purposes. It was always somewhat absurd to suggest that the River Thames at Teddington should be patrolled by the local sea Fisheries committee. We would never have seen a boat from a sea committee or an IFCA on the tidal Thames there, the tidal Severn at Gloucester or, I am sure, the tidal Trent at Collingham, just outside Nottingham. I am pleased that our representations have been listened to.

Mr. Benyon: The hon. Gentleman puts his finger on a potential problem, which is defining exactly where estuaries finish and the sea begins or vice versa. Does he have a clear definition in his mind that would identify clearly where all types of estuary start and finish, and where the responsibilities of the organisation in charge of them should therefore lie? Perhaps the Minister should respond to that point.

Martin Salter: I thank the hon. Gentleman, for whose support in Committee on this matter I was grateful. The reason why it is not possible to draw a defined line on the map, and why we must have definitions of the upstream limits of commercial fishing interests, is that those limits vary from estuary to estuary. On the River Humber, for example, the commercial fishing interest is many miles upstream, whereas on many other estuaries, particularly on the south coast, it is barely upstream at all. The decision has to be made on a case-by-case basis. Our debate in Committee was excellent and instructive about how Parliament can apply its collective knowledge to that difficult and not easily surmountable problem.

I obviously support the Government's proposals, as they are based on the points that we raised in Committee. The power to delegate to the Environment Agency is the obvious route forward, and there could be other delegations if appropriate. I say to the hon. Member for Leominster (Bill Wiggin) that it is slightly bonkers to query a delegation to the EA on freshwater fishery management, given that it is the agency responsible for that. We are not likely to delegate the matter to the United Nations or anybody else. That might explain why he is no longer the Opposition spokesman.

Bill Wiggin: It is no good the hon. Gentleman attacking me, because after my intervention I heard the Ministers say, "Good question." Perhaps he should speak to his colleagues on the Front Bench.

Martin Salter: I am happy to attack any Member, as the hon. Gentleman well knows. Far more importantly, I am happy to play my part in ensuring that what started life as an excellent Bill will be an absolutely brilliant one.

[Martin Salter]

By way of digression, Sam Coates's comments in *The Times* today suggested that the amount of parliamentary time given over to the Bill was a complete waste, as it was dull and boring. I would suggest that correspondents take another look at Charles Clover's film and book, "The End of the Line". They should consider the fact that 99.4 per cent. of the world's oceans are vulnerable to commercial exploitation and that by 2050, unless action is taken on the conservation measures that are in the new clauses and the Bill, we will see a wholesale collapse of fisheries stocks across the planet. This is groundbreaking legislation and today's debate is one small step to ensuring that this excellent legislation is improved still further, and I am delighted that the Minister has felt able to respond to our concerns.

Mr. Charles Walker (Broxbourne) (Con): I shall make only a brief contribution. I have served on the Bill in all its forms for about 18 months and I must say that I am extremely pleased that the Government have introduced new clause 2. In four years of being a Member of Parliament, I have never been so over-excited as I am now about this clause. I agree with the hon. Member for Reading, West (Martin Salter) that it would be ridiculous if he and I were pike, perch or chub fishing on Teddington weir and a marine fishery officer's boat came sailing past to check our licences. The measure is common sense—we have had an outbreak of common sense in this place—and Sam Coates of *The Times*, far from criticising it, should be celebrating it in his column tomorrow.

Bob Spink (Castle Point) (Ind): The inshore fleet in the Thames estuary has acted responsibly, building conservation for many decades, and I have been representing their interests and approaching the Minister about this matter for some time. Will he confirm when he sums up that Essex and Kent fisherman will have representation on IFCAs to protect their fishing and conservation interests? Will he also confirm that the fishing interest on IFCAs will be balanced with other interests, not marginalised?

Mr. Roger Williams: I, too, have taken great pleasure in being part of the Bill, because it is hugely important to protect the marine environment on which so many of our people depend for their employment and which makes an important contribution to biodiversity locally, nationally and internationally.

I rise briefly to speak to amendment 27, which is in my name. Having said that, I welcome Government new clauses 2, 3 and 6, which are based on the amendment that the hon. Member for Reading, West (Martin Salter) tabled in Committee. The Minister at that time gave a commitment to look at the aims and purposes of that proposal and to see whether it could be worked into the Bill.

If the new clause had been tabled in the form of the proposal made by the hon. Member for Reading, West, we might have sought to amend it following certain things that have been brought to my attention. The current proposals mention allowing IFCAs to enter into agreements with other bodies to allow the latter to take on some of the duties and powers of the former, but only with the permission and agreement of the Secretary of State. The Welsh Assembly Government have made it known that they want to take on the role of the IFCA for Wales, and it seems inappropriate for them to have to seek the permission of the Secretary of State to enter into such agreements.

We are talking about the very important species that live some of their time in the oceans and some of their time in fresh water—diadromous fish. They are particularly vulnerable, because they can be badly affected by over-fishing as they approach our shores. However, they can also be badly affected because their spawning grounds could be detrimentally affected by practices farther up the rivers. Therefore, my amendment goes to the heart of the matter in giving the Welsh Assembly Government the powers to allow Welsh IFCAs to enter into agreements to transfer responsibilities and duties that the Secretary of State has in relation to IFCAs in England. It is a simple amendment, but it would clarify the devolved powers that the Welsh Assembly wishes to take on.

Huw Irranca-Davies: I thank hon. Members for the spirit in which we have begun this debate. It is reminiscent of the approach that has been taken throughout this Bill—constructive engagement and an attempt to improve the Bill. I welcome the support that we have heard for these amendments, especially from the hon. Member for Newbury (Mr. Benyon). He and others, including the hon. Member for St. Ives (Andrew George), made the valid point that IFCAs need to be representative. That will be achieved. IFCAs are a mutation of the role of the sea fisheries committees, and they will have added duties and responsibilities—everyone agrees that that is the right approach—but they will need to be properly representative.

Clause 151 provides that the membership of IFCAs will include the Marine Management Organisation, the Environment Agency and Natural England, which will each have a statutory seat. Those seats will be set out in the order establishing each IFCA, in order to maintain some flexibility. Around a third of seats will be allocated to local authority members, under clause 151(1)(a), and the constituent upper and single-tier local authorities in each IFC district will be set out in the order establishing each individual IFCA. The balance of seats will be appointed by the MMO and will include members

"acquainted with the needs and opinions of the fishing community of the district".

I want to see all the varied interests of the fishing industry properly represented.

We do not want the IFCAs to be unwieldy. As the hon. Member for Brecon and Radnorshire (Mr. Williams) knows, we love committees in Wales, but it is good to have them doing something instead of just existing, and IFCAs will need to be very effective and efficient. Also represented on the IFCAs should be

"persons with knowledge of, or expertise in, marine environmental matters."

The new IFCAs have been welcomed by a wide range of stakeholders. They will have a clear duty to ensure that the exploitation of sea fisheries resources is carried out sustainably, and they will have a greater focus than the sea fisheries committees on the impact of fishing activity on wider marine eco-systems. That is part and parcel of the Bill. Significantly, IFCAs will have a new duty to protect the marine environment and promote its recovery from the effects of exploitation.

Martin Salter: I thank the Minister for that clarification. He will be aware of representations from the Angling Trust, which broadly welcomes this Bill, that the current composition of sea fisheries committees has left the recreational angling sector very poorly represented. Will that wrong be put right? In addition, the current system allows local authority representatives to name substitutes, if someone cannot make a meeting. It is important that that right is extended to other stakeholders, who will have an active role to play in the new IFCAs.

Huw Irranca-Davies: I confirm that what we all want—and what the Bill is designed to do—is to ensure that those interests represented on the IFCAs are genuinely representative. Where there is a strong recreational sea-angling fraternity—or sorority—in an area, it will want to have its say as well. Having that local determination and representing genuinely local interests is key, including in Newlyn, for example, where there are significantly different types of fisheries. Whether those involved are commercial or recreational anglers, they need to be able to have their say.

4.30 pm

The balance of members appointed by the MMO to each IFCA will reflect the economic, social and environmental needs of that IFCA. Members will therefore be appointed according to the relevant expertise that they bring, which is the right way to proceed. The detail of the appointment process will be drafted in guidance, which will be helpful to members and which we will consult on in 2010. That will help to ensure that the membership of each IFCA has the right representation and knowledge across all the relevant sectors, exactly as I have been saying. Given the level of sea angling in the inshore area, however, we expect sea anglers to continue to be represented on IFCAs.

Andrew George: The Minister has mentioned Newlyn. He will be aware that there are conflicts between different fishing sectors operating within the 6-mile zone, and also out to the 12-mile zone, although we are primarily talking about the 6-mile zone. He has referred to clause 151, and although I do not expect him to prescribe the answers today, will he acknowledge that there are conflicts among recreational sea anglers, as well as among different inshore fishing sectors? That, too, needs to be resolved through the process that he is describing.

Huw Irranca-Davies: I agree. There are, and will continue to be, different priorities in different parts of the fishing fraternity. However, one of the benefits of the consultation will be that those interests are genuinely represented in that process. That does not mean that there will not be difficult challenges that will require people to sit down and agree the priorities in their IFCA area. However, the important thing is first to ensure that the membership is properly representative and then to argue that out. The hon. Gentleman is absolutely right that the worst possible way forward would be for a Minister to prescribe exactly who should be on or to say arbitrarily, "We'll make sure that we have one recreational sea angler, one rod-and-line angler," and so on. That is not the way, because things will differ among the 10 IFCA areas.

Bill Wiggin: Will the Minister outline what people should do if they do not agree with the make-up?

Huw Irranca-Davies: Not only will the IFCA membership be decided in consultation, but everybody will have the opportunity to put their views forward. I am sure that some people will feel that they are not represented fully, but that can change from time to time as well. We are enhancing the membership of IFCAs, so that they will have more than the traditional expertise of sea fisheries committees. It is worth putting on record the fact that there is a genuine body of expertise in sea fisheries committees around the country, but we are talking about an enhanced role, with other people involved. Rather than having me prescribe what will happen, everyone will have the opportunity in the consultation to put in their two-penn'orth about who should be represented.

The hon. Member for St. Ives talked about disagreements, which touches on the point that the hon. Member for Leominster (Bill Wiggin) has just raised. If there are disagreements, there is a duty in clause 169 for IFCAs to co-operate with other local bodies. We expect them to work closely together, as they do now. Local issues should be looked at locally, without nanny-state interventions or a Big Brother or big Minister stepping in. We are confident, by and large, that it will be possible to resolve such issues locally.

The hon. Member for St. Ives asked why we have chosen a five-year review and how disagreements will be resolved in between. New clause 4 says "no later than" every five years. A review could therefore be conducted sooner if, for example, there were representations from a relevant body, or if the Secretary of State decided, in respect of representations made to him, that there was a need to review the situation on the ground.

I welcome the support of the hon. Member for Broxbourne (Mr. Walker) and his work on the issue over some time. It is pertinent that he has recognised that the new clauses and amendments deliver common sense—we cannot always say that about legislation, but they are common sense. My hon. Friend the Member for Reading, West (Martin Salter) was challenged on the definition—I understand the point about the definition. This is a practical way forward. It will not be necessary arbitrarily to define the definition, because it will be known from the people who are out there doing the work and patrolling. The amendment will allow a local definition to be introduced. I welcome the support of my hon. Friend and others as the Bill went through Committee; it delivers common sense.

I welcome the intervention by the hon. Member for Castle Point (Bob Spink), who is a strong advocate on behalf of his constituents and the fleet in his area. In the light of the comments that I have just made, I confirm that IFCAs will receive representations from fishing interests, and I have tried to make it clear that we want to ensure that those interests are genuinely represented, as clause 151(2)(a) provides.

The hon. Member for Brecon and Radnorshire referred to Wales, and I am pleased that it has arisen early in the debate. Who speaks for Wales? The hon. Member for Brecon and Radnorshire rose to his feet. Nothing in the Bill requires the Welsh Assembly Government to obtain permission from my right hon. Friend the Secretary of State on IFCAs and delegations. The Bill does not require that, and I shall explain why.

I thank the hon. Gentleman for tabling amendment 27, which is pertinent. His intention is to allow Welsh Assembly Ministers the same flexibility as that prescribed

[Huw Irranca-Davies]

for England in Government amendments to delegate IFCA functions. However, the stated intention of my colleagues in the Welsh Assembly Government, from the start of the Bill, was to take the same functions as IFCAs in-house and explicitly not to allow delivery of those functions by other bodies. That is the premise on which we proceeded.

In response to that, the Bill does not prevent Welsh Assembly Ministers from working closely with the Environment Agency to ensure good management of the inshore area, including estuaries. The Government of Wales Act 2006 and the Environment Act 1995 allow the National Assembly for Wales to pass secondary legislation at the request of the Environment Agency, and for agency officers to be cross-warranted to enforce against the legislation.

I do not believe that the amendment is necessary to allow better delivery of inshore fisheries management functions in Wales.

Mr. Roger Williams: Will the Minister give way?

Huw Irranca-Davies: I shall explain the contrast and then give way. That is not the case for the Government amendments on IFCAs. Welsh Assembly Ministers already have the power to make legislation on behalf of the Environment Agency and to delegate functions to the agency. That power would not be available to IFCAs in England without the amendments tabled by my hon. Friends in Committee, which we have introduced. I understand the intention in amendment 27, and it seems sensible, but raising the matter so late in the process, without the scope to be clear about how accountability of the functions could be ascertained, does not seem right. The Bill can and does deliver to Welsh Assembly Ministers the powers that they requested. I urge the House to leave further flexibility for delegation to be given due consideration by Welsh Assembly Ministers, and to be dealt with by other legislative means, at their behest rather than in the Bill.

Mr. Williams: I thank the Minister for spelling out the matter in such great detail. Is he saying that the Welsh Assembly has the power to make secondary legislation to achieve those powers, rather than having to return to this House for a statutory instrument to provide the powers?

Huw Irranca-Davies: No, that is not exactly the case. However, the situation on the ground in Wales means that by virtue of the function of the Welsh Assembly Government to take these powers in-house—the Welsh Assembly Government will effectively become the IFCA for Wales—they already have the power to make delegations. If they were to want such powers, they would indeed have to return here, and I am sure that, on these Benches at least, we would be open to that possibility. As I hope that I have explained, the history of the journey to reach this part of the Bill was very much predicated on, and reflects the initial concerns and interests of, Welsh Assembly Government Ministers.

Attempting to unravel all this at such a late stage would be complex: it would involve more than amendment 27, as there would be a great deal of detailed read-across in respect of much of the Bill. We are now in the final stages—I hope so, Mr. Deputy Speaker—of this landmark Bill, and I do not want to revisit an issue as fundamental as this one, particularly when the trajectory that we followed was initially set by Welsh Assembly Government Ministers. Welsh Assembly Government Ministers have some flexibility to delegate functions, even though they are taken in-house, but the situation in England is very different. We need to provide this flexibility to the IFCAs we are setting up, so that they can work collaboratively on the ground.

To clarify, Welsh Ministers have the power to make orders that would assist the Environment Agency to undertake management functions on inshore fisheries. There is some flexibility, as I have said, but this would need to be brought back to this House to provide the sort of mechanism that the hon. Member for Brecon and Radnorshire is asking for.

With the assurance that what we have now is a genuine undertaking reached in discussion with Welsh Government Assembly Ministers very early on, which explains how we have got to where we are, and with the flexibility to take the matter in-house and to issue other ways of working to the Environment Agency, I hope that the hon. Gentleman will feel confident enough to withdraw the amendment. There may be a future opportunity to provide the sort of mechanism that he wants, but it is not appropriate right here or right now.

Mr. Williams: I thank the Minister again for going into so much detail, but he will understand that there are still some reservations about this, particularly the fact that the Welsh Assembly will have to come back to this place to assume powers that are now available to IFCAs—and only with the permission and consent of the Secretary of State. I understand the Minister's point that it would be a complex matter to table further amendments at this stage, but is there no possibility of doing so in the other place?

Huw Irranca-Davies: No, not least because, now that the Bill has come through Public Bill Committee and travelled through the other place with extensive deliberations having already taken place, the process of rewriting complex and detailed further amendments—not just the hon. Gentleman's amendment 27—would be extremely difficult, because of the scores of read-across issues. I have to say that that prospect is too nightmarish to behold at this stage. We are now at a certain point in the parliamentary cycle and at a certain point in the Bill's passage. If we were in the pre-consultation period—we should bear in mind that, with all the lobbying, the Bill has already taken six years or longer to get to this point—we might be able to build this concept into the Bill. As I have said, however, to unravel all that now would be to the detriment of the chances of this Bill ever succeeding.

Welsh Ministers will have the same level of powers to manage fisheries as will be available to IFCAs in England. In those cases where Welsh Ministers want to delegate functions to the Environment Agency, they would need to make orders on behalf of that agency—and they can. This would enable them to ensure good management of the inshore areas, including estuaries, in Wales. Welsh Ministers have argued in the past that the inability of the Environment Agency to introduce legislation for sea

fisheries would interfere with the lead role in implementation of the water framework directive and make it more difficult for Wales to comply with WFD obligations. That relates to the quality of water, fish and invertebrate fauna.

It will be possible for Welsh Ministers to make statutory instruments on the request of the Environment Agency. Although this will not be as flexible as giving the agency direct powers to make legislation, the Welsh Assembly Government chose to bring inshore fisheries management powers in-house, thereby complicating any subsequent proposal to delegate them. The Welsh Assembly Government would effectively give the agency powers to make byelaws. The issue would require considered, careful exploration. In the time available, it would be extremely difficult to draft a sensible proposal, with input not only from the Welsh Assembly Government but from external stakeholders.

Martin Salter: May I throw the Minister another argument that he might wish to pray in aid? If the Welsh Assembly Government and Welsh Ministers are so concerned about the issue, why, when the Bill is one of the most scrutinised pieces of legislation before Parliament and spent the best part of a year in a Joint Committee, did we get not a peep out of the Welsh Assembly Government?

4.45 pm

Huw Irranca-Davies: My hon. Friend has made a helpful intervention. I would not want to say that the co-ordination with the Welsh Assembly Government has been less than exceptionally good throughout the Bill, but sometimes items come forward relatively late in the day, when the Bill has formed itself in a certain way and is hugely difficult to unravel. I hope that the hon. Member for Brecon and Radnorshire, whose amendment is well intended, understands that such a change is completely infeasible at this time. However, as a result of the Bill, WAG will take IFCAs in-house and be able to delegate functions, by order, to the Environment Agency. They have flexibility, although it might not be as neat as they now want. However, they can get on with it, which will be a massive improvement.

Question put and agreed to.

New clause 2 accordingly read a Second time, and added to the Bill.

New Clause 3

ELIGIBLE BODIES

'(1) In this Chapter "eligible body", in relation to an agreement entered into by the authority for an IFC district, means any body in the following list—

(a) the authority for any IFC district that adjoins the district;

(b) the Environment Agency.

(2) The Secretary of State may by order amend subsection (1) so as to—

(a) add any body or description of body to the list, or

(b) remove any body or description of body from it.

(3) The Secretary of State may not exercise the power conferred by subsection (2)(a) unless—

(a) the body, or every body of the description, to be added to the list is a public body, and

(b) the Secretary of State is satisfied that at least one of the purposes or functions of the body, or bodies of the description, to be added to the list is, or is related to or connected with, an inshore marine function.

(4) In this section "inshore marine function" means any function which relates to, or whose exercise is capable of affecting, the whole or any part of the English inshore region.'.—*(Huw Irranca-Davies.)*

Brought up, read the First and Second time, and added to the Bill.

New Clause 4

VARIATION, REVIEW AND CANCELLATION OF AGREEMENTS UNDER SECTION [POWER TO ENTER INTO AGREEMENTS WITH ELIGIBLE BODIES]

'(1) Subject to subsection (3), the Secretary of State—

(a) must review an agreement no later than the end of the period of 5 years beginning with the date on which the agreement was entered into or was last reviewed by the Secretary of State, and

(b) if it appears appropriate to do so in the light of the review, may cancel the agreement.

(2) Subject to subsection (3), an agreement may not be varied except—

(a) by agreement between the IFC authority and the eligible body, and

(b) with the approval of the Secretary of State.

(3) An approval given under section [Power to enter into agreements with eligible bodies](1) may provide that subsection (1) or (2) of this section does not apply (or that both of them do not apply).'.—*(Huw Irranca-Davies.)*

Brought up, read the First and Second time, and added to the Bill.

New Clause 5

AGREEMENTS UNDER SECTION [POWER TO ENTER INTO AGREEMENTS WITH ELIGIBLE BODIES]: PARTICULAR POWERS

'(1) The fact that a function is conferred by or under this Act or an Act passed after the passing of this Act does not prevent it from being the subject of an agreement.

(2) An IFC authority may, under an agreement, authorise an eligible body to perform a function even though, under the enactment or subordinate legislation conferring that function on the IFC authority,—

(a) the function is conferred on the IFC authority by reference to specified circumstances or cases and the same type of function is conferred on the eligible body in different specified circumstances or cases,

(b) the function is exercisable by the IFC authority and the eligible body jointly,

(c) the eligible body is required to be, or may be, consulted about the function (whether generally or in specified circumstances), or

(d) the eligible body is required to consent to the exercise of the function (whether generally or in specified circumstances).

(3) An agreement may provide—

(a) for the performance of a function to be subject to the fulfilment of conditions;

(b) for payments to be made in respect of the performance of the function.

(4) Any eligible body which is authorised under an agreement to perform a function—

(a) is to be treated as having power to do so;

(b) may, unless (or except to the extent that) the agreement provides for this paragraph not to apply, authorise a committee, sub-committee, member, officer or employee of the body to perform the function on its behalf.

(5) Subject to subsection (4)(b), an eligible body which is authorised under an agreement to perform a function may not authorise any other body or person to perform that function.

(6) Section 177 (exemption from liability) applies in relation to any function which an eligible body is authorised under an agreement to perform as if the reference to an IFC authority were a reference to the eligible body.'.—*(Huw Irranca-Davies.)*

Brought up, read the First and Second time, and added to the Bill.

New Clause 6

SUPPLEMENTARY PROVISIONS WITH RESPECT TO AGREEMENTS UNDER SECTION [POWER TO ENTER INTO AGREEMENTS WITH ELIGIBLE BODIES]

'(1) An agreement under section [Power to enter into agreements with eligible bodies], and any approval given by the Secretary of State under that section, must be in writing.

(2) An IFC authority which has entered into an agreement with an eligible body must arrange for a copy of the agreement to be published in a way that the IFC authority thinks is suitable for bringing it to the attention of persons likely to be affected by it.

(3) No power of a Minister of the Crown under any enactment to give directions to a statutory body extends to giving a direction—

(a) requiring it to enter into an agreement under section [Power to enter into agreements with eligible bodies];

(b) prohibiting it from entering into such an agreement;

(c) requiring it to include, or prohibiting it from including, particular terms in such an agreement;

(d) requiring it to negotiate, or prohibiting it from negotiating, a variation or termination of such an agreement.

(4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (c. 40) (restrictions on disclosure of information) applies in relation to an authorisation by an IFC authority or an eligible body under section [Power to enter into agreements with eligible bodies] or [Agreements under section [Power to enter into agreements with eligible bodies]: particular powers] of this Act as it applies in relation to an authorisation under section 69 of that Act by an office-holder.'.—*(Huw Irranca-Davies.)*

Brought up, read the First and Second time, and added to the Bill.

Clause 160

BYELAWS: PROCEDURE

Amendment made: 6, page 108, line 29, at end insert—

'( ) Regulations under this section may make different provision for cases where an IFC authority has entered into an agreement under section [Power to enter into agreements with eligible bodies] authorising a body to perform any of the authority's functions relating to byelaws.'.—*(Huw Irranca-Davies.)*

Clause 166

POWERS OF IFC OFFICERS

Amendment made: 7, page 110, line 22, leave out 'by the authority for the district' and insert

'under section 155 for the district (or having effect as if so made)'.—*(Huw Irranca-Davies.)*

Clause 181

INTERPRETATION OF THIS CHAPTER

Amendment made: 8, page 115, line 9, at end insert—

'"eligible body" has the meaning given by section [Eligible bodies];'.—*(Huw Irranca-Davies.)*

Clause 291

THE COASTAL ACCESS DUTY

Mr. Benyon: I beg to move amendment 35, page 187, line 28, leave out 'is' and insert 'may be'.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following:

Amendment 32, in clause 292, page 189, line 5, leave out subsections (a) and (b) and insert—

'(a) holds a legal estate or has a legal interest in the land, or'.

Amendment 34, in clause 297, page 195, line 13, at end insert—

'(1) The Secretary of State must, by regulation, set out the way in which a person with a relevant interest in land may require Natural England to review a coastal access report. Reasons for review may include—

(a) proposed or actual changes in the use of land;

(b) review of existing directions or proposed new directions made under Chapter 2 or Part 1 of the CROW Act for the exclusion or restriction of the right of access.

(2) The regulations referred to in subsection (1) must set out the way in which a person with a relevant interest in land may make an objection under the procedure set out in Schedule 19 including objections against the refusal of Natural England to undertake a review, or to carry out the review within specified timescales, or to amend a coastal access report.'.

Amendment 33, page 197, line 49, leave out subsections (a) and (b) and insert—

'(a) holds a legal estate or has a legal interest in the land, or'.

Amendment 40, page 200, line 32, at end insert—

'(10) The Secretary of State shall within 2 years from the commencement of this section lay before Parliament a report which shall appraise the progress made in establishing long distance coastal routes in England with particular regard to—

(a) the voluntary inclusion of parkland;

(b) the inclusion of the Isle of Wight;

(c) the addition of further islands reachable by ferry;

(d) the use of seasonal ferries as part of the coastal path.

(11) In the report required in (10) The Secretary of State shall append proposals to remedy shortcomings in the establishment of coastal routes that are apparent to him as a result of its presentation.'.

Amendment 37, page 202, line 26, leave out Clause 300.

Mr. Benyon: We move on to part 9 of the Bill, on coastal access. Many Members might feel, like me, that that part of the Bill has been bolted on to 300 clauses of very important marine Bill. That has risked diverting some of our energies and intentions away from an important part of the Bill. We all want to see more access to our countryside in all its forms: whether this was the right part of the Bill to do that is questionable,

but we are where we are. It is most important that we be up front with the British public about what we can achieve.

Charles Clover, who has already been mentioned, wrote in yesterday's *The Sunday Times* that

"a study by Natural England, the access quango, found that the amount of public access to the coast, of one kind or another, was...84 per cent. Of the remaining 16 per cent., half comprises ports and harbours."

According to Natural England's own figures, therefore, we are talking about 8 per cent.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): According to another source, Natural England has estimated that

"there is no satisfactory or legally secure access to 34% of the English coast",

not 16 per cent.

Mr. Benyon: We could take up a lot of time arguing about maths. Charles Clover goes on to say that a place in his locality in Essex, Mistley quay, will not benefit from access as a result of the Bill. We need to be upfront about what will actually be provided, and how we can facilitate such provision.

Amendment 35 deals with coastal margin, or spreading room. As has been made clear throughout our debates on the Bill, it will be impossible to provide spreading room—or coastal margin—along the entirety of the coastal route. Safety, privacy and biosecurity have all been cited as real and legitimate reasons for a limitation being placed on it. Our amendment seeks to change the wording of clause 291 to reflect the reality of spreading room. If it is not to be placed along the entirety of the coastal route—as we have been reassured by Natural England and the Minister that it will not—the wording of the Bill should reflect that.

The issue of coastal margin in the Bill has raised concerns around the country, not least because there will be many areas of exceptions and restrictions. The concept of complete access along a coastal margin will simply not be achievable. The Bill should be amended to reflect reality so that the public are not misled, as they may have been by the perception that the Countryside and Rights of Way Act 2000 would create a universal right to roam.

Paddy Tipping (Sherwood) (Lab): I was heavily involved with the Bill that became the CROW Act. It gave no impression of a universal right to roam. Those of us who use and welcome our new right are very clear about the fact that there is no universal right, and the people who exercise that right do so in a very responsible way.

Mr. Benyon: I entirely understand the hon. Gentleman's point. What I am saying is certainly not a criticism of him or of anyone else who was involved in that Bill, but I assure him that many people immediately assumed that there was some new right enabling them to go anywhere, although we all know that that was not the case. Perhaps we can blame elements of the press for the way in which they reported what was happening. I am sorry if what was intended to be a fairly benign comment has excited a few people—

Martin Salter *rose*—

Mr. Benyon: My friend and neighbour the Member for Reading, West (Martin Salter) looks very excited.

Martin Salter: I thank my friend and neighbour for giving way. I am not excited, and I am always benign to him. Does he accept that the misinformation on the CROW Act came not from the people who were promoting it but from the Countryside Alliance and other interests, who deliberately set out to misrepresent what was in the Bill and the intention behind the campaign? I think he knows that that is the case.

Mr. Benyon: I was not in the House at the time. May we draw a line under this argument? I did not intend to create such excitement—although, during what could have been a fairly dry afternoon, it has proved to be an exciting diversion. I should be happy to continue the conversation with the hon. Gentleman on the river bank.

The concept that all land adjacent to, and seaward of, the line of the route should be included as coastal margin is, as we know, unrealistic. While there is an intention to draw the route as close to the sea as possible, there will be circumstances in which that does not happen. In those circumstances, land types that are clearly not coastal—that are not foreshore or adjacent cliff, bank, dune or flat—should not be included as coastal margin. The Bill should properly reflect the lack of continuity of margin that will inevitably be the case because of physical features on the ground. We believe that a proper distinction needs to be drawn between the route itself and associated spreading room.

The current Department for Environment, Food and Rural Affairs consultation on the definitions of coastal land shows that there is an inconsistency of approach in its proposals. There is a failure to make a proper distinction between the route and spreading room, such as the proposed inclusion of land within 20 metres of a dwelling not simply to enable the route to pass over it where there is no practical alternative, but with the possibility of that land being designated as spreading room.

There is also still considerable concern among some groups over mapping of spreading room. The Minister has given the reassurance that he believes that Natural England should be sensitive to requests for maps. Is he willing to give a reassurance on the Floor of the House, however, as that would be very helpful? Given that it has been generally accepted by the Government that words will not always be sufficient to describe the coastal margin associated with the new coastal trail, will the Minister confirm that where a land occupier or landowner has made a reasonable request for the provision of a map for clarity, Natural England will be sympathetic in meeting such requests?

Amendments 32 and 33 concern the definition of an interest in the land. We believe that coastal access must be based upon local consensus where possible, and be developed at local level in order to ensure that this right of access takes account of the pre-existing rights of farmers, home owners, businesses, wildfowling clubs and other sporting interests, as well as the needs of conservation and public safety. This proposal follows concerns that we raised in Committee over the treatment of those with certain legal interests in land, such as those with sporting rights, that we felt were absent from the Bill.

[Mr. Benyon]

I acknowledge that the Government have made some movement in this area, and have reinstated the right of appeal, under the CROW Act, where restrictions or exclusions are proposed. It has also been said that the representations made by holders of sporting interests, but not holders of other legal interests such as mineral rights, will be passed on fully to the Secretary of State rather than being summarised. There remains, however, a feeling among certain groups that Government concessions do not amount to equal rights. The Bill still does not give equal treatment to all those people who have a legal interest in the land, thereby creating a two-tier system among those with different legal interests. For example, the Bill includes those with grazing licences. That right of occupation could be for a very small amount of annual rent compared with, let us say, sporting rights, which could be of considerably greater value and require, as in the case of wildfowling clubs, huge amounts of conservation investment in both money and effort over many years.

The Bill currently provides that occupiers and owners will be taken into account both at the walking the course phase and when considering whether a fair balance has been struck between the interests of the owner or occupier and the interests of the public who may wish to walk a coastal route. However, there are some legal interests that do not have the same rights. In particular, holders of sporting and mineral rights will not be treated in the same way as owners and occupiers.

Particular concern arises in respect of the setting of the route and margin. If Natural England is not required to take into account some legal interests, such as mineral or sporting rights, it could set the route in a way that seriously impinges on those rights. Furthermore, it may result in the total loss of use of such rights without its being called to account, as there is no obligation on Natural England to take account of those interests in determining whether a fair balance has been reached. Throughout Committee stage, we agreed that the Bill requires us to take a great leap of faith in organisations such as Natural England. All my discussions with it have made me conscious that it is up to the task and is looking at this issue in entirely the right way, but we really do need some assurance—I hope, in the Bill.

5 pm

Our amendment seeks to redress this imbalance by ensuring that the definitions of interest in the land include all those with a legal estate or interest in the land, as is the case under the CROW Act. We recognise attempts by the Minister to negotiate a route through this issue at his summit last month, and that he was not helped by a divergence of opinion among some of the groups present. He may have found a way forward and I am happy to support it, but I do want reassurances on this point.

Amendment 34 concerns the need for changes to the route to reflect a change of use of the land in question where it is affected by the route of the path or spreading room. The Government have consistently promised that the coastal access route will be flexible and responsive to changing circumstances; however, nothing in the Bill ensures that. How is Natural England to know that a development has been approved, and that it must alter its coastal access report as a result of that development affecting the coastal access route? How does the developer notify Natural England and ensure that the coastal access report is up to date and takes account of the changes that have been approved? The amendment would ensure that those with an interest in the land have the right to request changes to coastal access in future where there is a change in use of the land. At the very least, we need an assurance from the Minister that such a mechanism will be included explicitly within Natural England's coastal access scheme. We also need an explicit assurance that guidance will be provided to local planning authorities confirming the flexible nature of the coastal access provisions.

Amendment 37 concerns liability issues. Although it is Natural England and the Secretary of State who will identify the coastal route and areas of spreading room, clause 300 removes all liability from Natural England and the Secretary of State for any failures that may occur in connection with its coastal access duty. It is surely wrong for Government to try to restrict liability in this way. The Secretary of State and Natural England are both charged under clause 291 with exercising the coastal access duty. That duty should be carried out with due regard to public safety. If liability is removed, as proposed, members of the public will be unable to find any redress from the Government or Natural England for failures in identifying a safe coastal access route. Retaining liability at some level, at least, will act as a reminder to Natural England and the Secretary of State to determine coastal access carefully and remain mindful of their responsibilities toward the public. It will provide a powerful check and balance in determining the precise location of any coastal access.

I am not in the business of creating vast new burdens on any Government agency or on Ministers themselves, but the question of liability does need a reasoned response. The Minister may be able to give me some reassurances or suggest an alternative solution to my amendment. In fact, it is unclear in the Bill exactly where liability will lie. It would be helpful to have some words from the Minister in this regard.

Martin Salter: I congratulate the hon. Member for Newbury (Mr. Benyon)—his Front-Bench colleagues would do well to examine how he has approached this Bill and this thorny issue in particular—because the House has just heard an example of constructive opposition that will lead to effective change. On leaving this place, as I will shortly, it is nice to think that we have been the architects of effective change rather than just a handful of soundbites.

I shared the concern of the British Association for Shooting and Conservation, recreational angling interests and Members from all parts of the House that some of the coastal access provisions, as originally drafted, could have had unintended consequences. Surely part of what we are about when we scrutinise legislation is guarding against and avoiding those. Nobody in their right mind wants to drive a coastal access path through a piece of land if that would put the public at risk or inhibit the legitimate enjoyment and sport of wild fowlers, who for generations have enjoyed their sport on many of the marshlands and estuaries around our coasts. The recreational angling sector, although less affected, had concerns about coastal access paths going past places of

particular popularity with people who beach-cast. I am talking about guys who throw 4 or 5 ounces of lead some 200-odd yards from a beach, so it is not a good idea for a footpath to be immediately behind them—unless a member of the public wants to have a quick swim or possibly be seriously injured in some other way.

It was important that those sporting interests could be represented in the consultation mechanism in respect of the establishment of the path. Following some vigorous exchanges in Committee, which were based on amendments tabled by the hon. Member for Newbury and me—there was support from other hon. Members—the Minister kindly agreed to convene a summit on 7 September. I thank him for apprising us of the outcome, and I wish to read into the record what he has said in writing:

"I have therefore proposed that those with a sporting right (including holders of sporting tenancies), should be specified in regulations made by the Secretary of State under Schedule 19 to the Bill, to ensure that their representations are given particular consideration by the Secretary of State...The effect of this would be that Natural England would have to take reasonable steps to give notice of a relevant coastal access report to those with sporting rights, and any representations which they made on the report would go in full to the Secretary of State".

That is important.

People have criticised this as not so much a victory and not so much a significant policy change, but they are the same bunch who misrepresented the CROW Act and one would not be surprised to learn that they are usually a little late on these issues. The fact that sporting interests will have the ability to make representations right to the very top of the tree—they will have access to the top of the pile—is one of the reasons why the British Association for Shooting and Conservation and the Angling Trust have welcomed the improvement made, the assurances given by the Minister and the conclusions of the summit held on 7 September. As far as I am concerned, and as far as recreational shooters and anglers are concerned, this is a job well done. We do not see the need for this to be a point of contention, so notwithstanding the strong and pertinent remarks that he made, I urge the hon. Member for Newbury to recognise that there is little need for the House to divide on this issue.

Mr. Peter Atkinson (Hexham) (Con): I wish to say a few brief words from our Front Bench in support of the comments made by my hon. Friend the Member for Newbury (Mr. Benyon). I did not serve on the Committee, so this is the first time that I have been able to comment on this part of the Bill. Like him, I think it is regrettable that this whole matter of coastal access was put into a very important Bill dealing with marine conservation. Many other complicated issues have thus been raised and the subject deserved a piece of legislation on its own; I am totally in favour of providing coastal access, but such an undertaking should have been dealt with in separate legislation. I am sure that both sides of the House would have welcomed that and would have facilitated the passage of such legislation.

Coastal access is desirable, but, harking back to the right-to-roam section of the CROW Act, once again—I do not want to excite the hon. Member for Sherwood (Paddy Tipping) on this matter—most people want recreation in the countryside, on moorland and on the coast, but they want an improvement in our existing rights of way network. Footpaths and circular walks can be easily created and farmers can have sensible diversions for footpaths on their land—that is what the majority of people in this country want. When the right-to-roam section of the CROW Act came in, it diverted an enormous amount of money from and effort by Natural England, or whatever it was called in those days, to create the open access areas.

I can talk with first-hand knowledge only about my own area, Northumberland. We have masses of open moorland near where I live. The fell outside the village has been walked on by local people and visitors for years, but it was not included in open access. Pieces of ground that no one really wants to walk on have now been included for open access, so all we get is a lot of money spent on new gateposts with new signs on them, and the walking experience and walking environment in the area are not improved. In a sense, I regret the diversion that the opening of coastal access will cause Natural England with its core responsibilities of opening access to the public and creating better rights of way and bridleway networks throughout the country.

I would like my hon. Friend's amendment to be accepted because I am aware that wildfowling clubs and those with other sporting interests are extremely worried that their interests could be overlooked. I appreciate what a lot of progress was made in Committee; nevertheless, the amendment would be better for those groups. We are talking about organisations, particularly wildfowling clubs, that invested tens of thousands—even hundreds of thousands—of pounds over the years in conservation efforts to develop safe and responsible wildfowling around the coast. If that could be prejudiced in any way by the creation of the coastal path, they would clearly be extremely worried. I hope that the Minister will once again reassure them.

Let me mention another case that was brought to my attention. In one area, small inshore fishing boats, which are hauled up off the foreshore, are launched some distance from the coast. There is no legal right to do that, only centuries of customs and practice. I was interested to note those concerns, and I hope that the Minister can explain that those people have nothing to worry about.

Huw Irranca-Davies: The hon. Gentleman might be around later in the debate when, if we are fortunate enough to catch your eye, Mr. Deputy Speaker, we might discuss the White Herring Fisheries Act 1771.

Mr. Atkinson: I was intrigued to see that an amendment to the White Herring Fisheries Act was coming up for debate. If one was in the habit of filibustering in the House, which we used to do, that would have been a marvellous subject to keep us engaged for several hours. I am quite sure that many hon. Members would wish to talk about that Act.

I hope that the Minister, if he will not accept the amendment proposed by my hon. Friend the Member for Newbury, will give further reassurance to those who have wildfowling, sporting and other rights and interests that their interests will be looked after as the Bill becomes law.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): This is my first chance, too, to speak on this Bill as amended in Committee, because of my required attendance

[Ms Angela C. Smith]

at the Crown court in Sheffield for jury service when the Committee was sitting. This is my first opportunity to comment on the individual provisions.

The comments that have been made about the inclusion of coastal access in the Bill are unfortunate, because Natural England has been at the forefront of the campaign to ensure that these provisions are in the Bill. Secondly, one of the points of the Bill in its entirety is to ensure that everybody in this country understands that we have a collective responsibility for the marine environment. Surely one of the best ways of ensuring that people understand that is to make sure that there is reasonable access to the coast, and that people can start to enjoy, understand and appreciate the coastline. By doing that, we may also help to develop a sense of collective responsibility for the coastline and the marine environment.

5.15 pm

Mr. Benyon: Does the hon. Lady agree that the vast majority of walkers who will want to visit a coastal path will not be the hardened types who want to do long treks round large areas of coastal Britain, but will want to go to a particular point, possibly by public transport, and walk part of the coast, possibly via a circular route, or possibly returning by the same route? We need to cater for the vast majority of walkers who will want to access coastal Britain like that, rather than being hidebound by the idea of a circular route as the ultimate aim of all that we are talking about.

Ms Angela C. Smith: I thank the hon. Gentleman for his intervention, but point out that it has been calculated that since the opening up of the long-distance path along the entire length of Hadrian's wall, there has been a 99 per cent. increase in the number of long-distance walkers using the path. The south-west coastal path has been estimated to generate at least £307 million annually for the regional economy, so I do not accept the hon. Gentleman's argument. There is a wide range of walkers using any path, whether inland or on the coast, but there will be a significant increase in long-distance walkers once the provisions have been enacted.

On amendment 35, I should like to focus attention on the importance of the provisions for establishing spreading room for certain sporting interests. We have today heard comments about sporting interests, which were entirely legitimate, but there are other sporting interests with an interest in coastal access. The British Mountaineering Council, for instance, is keen to establish that the natural physical boundaries that are recommended as the boundary of the landward side of the margins recommended are included in the margin, not seen as the outer boundary of that margin. That is extremely important for rock climbers and mountaineers because there are rock faces and cliff faces that face inwards—landwards—on our coastline, and if they are to become the natural boundaries for the margin, it is very important that they are included in the margins, and that we establish these margins wherever possible and, if possible, along the entire coastal access path.

As my hon. Friend the Member for Reading, West (Martin Salter) said—he is no longer in his place—amendment 32 makes a fair point. I am not convinced that it should be pressed to a Division, but many other sporting interests would be sympathetic to the sentiment expressed in the amendment. The British Mountaineering Council has made it clear that when there are temporary closures of coastal footpaths for various reasons, such as for nesting at certain times of year, or in order for conservation measures to be undertaken, those temporary closures should take place on the basis of voluntary partnerships at local level wherever possible. I should like an assurance from the Minister today that the least restrictive option will be recommended for the temporary closure of coastal footpaths for the reasons that I outlined.

Amendment 34 is about the inclusion of particular voices in the consultation process and potential objections to Natural England's refusal to undertake a review, and I reiterate the importance of ensuring that consultation on the establishment of any coastal path in any local area includes, at the earliest possible stage, those with a legitimate interest in the matter. The Ramblers Association, in particular, feels strongly about it, and the association has a fair point, so I should appreciate the Minister's comments on the matter.

The [redacted]t amendment 40 raises were debated at some len[redacted] Committee, but the issue of parks and gardens is ongoing, and I reiterate the point that was made in Committee, whereby there must be a distinction between parks on the one hand and gardens on the other. Surely no one in this House would try to argue that an individual whose private garden happened to be near the coast deserved to have ramblers, walkers and rock climbers on his or her land. That would be absolutely unreasonable. However, with large estates attached to large parks that, in many cases, go down to the coastline, there is a case for establishing coastal access that does not impact intrusively on park owners.

Paddy Tipping: My hon. Friend makes a very strong point, and perhaps she will remind the House that Natural England, the statutory adviser, recommended that parks and gardens not be excluded—exempted—from the Bill.

Ms Angela C. Smith: My hon. Friend is absolutely right, and I remain disappointed that the provision for excluding parks and gardens from the Bill has not been removed. At this late stage, however, it remains for those of us who would have favoured such a change to the Bill simply to ask the Minister to reassure us that the matter will come back before the House within two years, with a report on whether the voluntary arrangements that the Government recommended have worked. I stress that if we find that they have not, we will need to think again about putting regulations—amendments—in place to deal with the issue effectively.

The Isle of Wight is a popular holiday destination whose value to walkers and tourists alike is well known, but it is excluded from the Bill. My hon. Friend the Member for Southampton, Test (Dr. Whitehead) will have something to say about that, but I argue that the Isle of Wight, as the biggest island belonging to the UK and reasonably accessible by ferry all year round, should be included in the Bill's coastal access provisions. We look to the Minister to reassure us that an order will be made to include the Isle of Wight in those provisions.

The issue of ferries, and, in particular, whether islands that are reached by seasonal ferries should be included in the Bill, has not been satisfactorily resolved. The question is, when seasonal ferries do not operate, in winter usually, what do walkers who wish to use coastal footpaths do? Are they to face long detours, or will Natural England be encouraged to make alternative provisions to get around the fact that those ferries do not operate at certain times of the year?

Having said all that, I wish the Bill well and hope that the Minister will respond positively to the comments on the proposed changes to it.

Mr. Bernard Jenkin (North Essex) (Con): I have spoken to the Bill only once before, on Second Reading, when I discussed its fisheries conservation aspects. I shall use this opportunity, however, to address its coastal access provisions. I have no registrable interests to declare, but my family, like the Secretary of State's family, have a tiny patch of coastline that is affected by the Bill. I do not wish to address that today, however.

I am intrigued by the amendment, which replaces "is" with "may be". Perhaps in tabling it, my hon. Friend the Member for Newbury (Mr. Benyon) was demonstrating his lack of faith that the Bill would deliver what the Government promise. If the amendment is proffered in that spirit, I very much want to support it, not because I oppose the principle of coastal access but because I think a lot of people will be disappointed by what the Bill delivers.

I am most concerned by what is excluded from the coastal access provisions under the Countryside and Rights of Way Act 2000 definition of relevant "excepted land". I must relate to the House a bizarre situation, of which my constituent, Charles Clover, gave a very good account in yesterday's *Sunday Times*, concerning the Mistley quay in my constituency. Mistley is a little town on the Stour estuary that has a quay on which it is recorded that boats unloaded fish as long ago as the 14th century. By some anachronism, perhaps, the quay has historically been privately owned. However, the public have always enjoyed access to it, so that barges and, in more recent decades, yachts and pleasure craft have been able to use the quay for their enjoyment. That was fine until the Health and Safety Executive threatened to prosecute the quay's operators under health and safety laws for providing insufficient safety equipment on the quay. The HSE gave the owner a choice between either putting up signs and providing suitable equipment such as lifebuoys and ladders or other devices by which people who fall in the water can get out or be rescued, or putting up a fence. It chose the cheaper of the two options and erected an 8-foot wire fence across that historic part of Mistley—across the quay. It is now impossible for ordinary people to access and use the quay.

What will the Bill do for those parts of the coastline that have historically had public access but that are excluded by the Bill? For those areas, the phrase "may be" is very much the operable sentiment, because the Bill seems to do nothing to strengthen proposals for public open spaces on the coastline in areas that are excluded by the Bill.

Let me emphasise how extraordinary the situation is. There has been a huge amount of public protest about this matter in my constituency. I feel sorry for Trent Wharfage, the owner of the quay to which I referred, for being caught up in all this, although I think that it has gone the wrong way about handling the situation and that it could have avoided a confrontation. It has blocked off historic rights that have existed for a long time, and it looks as though this matter can now be settled only through the courts and a complicated legal process that may not be successful. The Bill would do absolutely nothing to assist the ordinary population of Mistley in resolving this situation.

A few weeks ago, a dinghy capsized in the Stour estuary and a lifeboat was called out from Harwich. A rescue was undertaken and the lifeboat took the people and their dinghy to Mistley quay, but they could not access the quay and no helicopter could land there because of the fence. The fence had to be cut down, with the help of local residents, so that the rescue could be properly effected. What a great victory for health and safety and the HSE! I hope that the Minister will forgive me for placing this very unhappy situation on the record, but I want to know how the Bill will help to resolve it.

The Bill purports to solve all the problems of coastal access, but it demonstrates a thoughtless, rather broad-brush approach that a lot of people have complained about because it will hurt rural parts of the coastline, conservation, privacy and other vital things. Little has been said about how the exclusion of ports could lead to more situations such as that at Mistley quay. The Bill does absolutely nothing to help to resolve that issue, and I would be grateful if the Minister could address that fact.

5.30 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I would like particularly to address my remarks to amendment 40, which stands in my name and those of my hon. Friends the Members for Sheffield, Hillsborough (Ms Smith) and for High Peak (Tom Levitt).

The Bill is progressing through Report with remarkably few major amendments having been tabled. That is a tribute to the fact that it came into this House as a very good Bill and, that during its passage, my hon. Friend the Minister has taken full cognisance of sensible efforts to ensure that it leaves us not just as a very good Bill but as an excellent Bill. The spirit of co-operation and sweet reason that has characterised many parts of the debates demonstrates the general feeling around the House that the Bill is essential for the marine and coastal environment of England and that it should be, and is, as good as it can be.

The modest proposal in the amendment underlines not only the spirit of negotiation and voluntary discussion that is a substantial part particularly of the coastal access elements of the Bill, but the notion that those provisions set out genuine principles and a real understanding of what it is to have coastal access around England. They belong honourably within a marine Bill. One cannot, in a discussion of shipping and ports, separate what is on the land side from what is on the seaward side of a ports' operations and activities, and the coast is an essential part of our marine environment in terms not only of public access but of how it relates to the marine environment beyond the shores and out to sea.

[Dr. Alan Whitehead]

The aim of the Bill as regards the coast is clear and explicit. It states—no parties to this discussion have demurred from this definition:

> "The first objective is that there is a route for the whole of the English coast which...consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry".

Although it is true that most people will access only a part of that coast, the fact that a continuous path is aimed for underpins the whole nature of the access provided. The Bill sets out that ambition well—which, of course, the public understand cannot be fully achieved in all circumstances. In my area of the country, the public do not expect coastal access to mean that they can charge through berths 101, 102 and 103 of Southampton port, then transfer across to the car-handling facilities on the eastern docks, and then take a detour along the gravel extraction wharves further up the river. Nor do they expect to tramp through people's gardens and private property in the way that has been outlined in Committee and elsewhere. However, they have a reasonable expectation that the aim to ensure a continuous path will be achieved as far as is reasonably possible. That will be done, in the first instance, largely through negotiation and discussion and on a voluntary basis, and that is right.

Mr. Benyon: The hon. Gentleman was a thoughtful member of the Public Bill Committee, and I respect his views. When the matter was raised in Committee, the Minister said that he would much prefer to see how things progressed, and he issued a challenge to any areas that were holding out against greater public access. In my tours around coastal Britain, the message has got home. If the hon. Gentleman were able to trust elements of rural Britain in coastal areas to pursue the matter, he might get what he wants without this rather top-down proposal. I was working on voluntary access agreements long before anyone thought of the Countryside and Rights of Way Act 2000, and I know that they can be made to work best when they are agreed locally. Is that not the best way forward? Can we not work in that way first before trying to impose a measure from above?

Dr. Whitehead: The hon. Gentleman makes a strong case, with which I wholeheartedly agree, that the best way to achieve a continuous path with sensible and reasonable exceptions has to be negotiation and discussion. The purpose of amendment 40 is to act on the basis of trust with a purpose. It is clear from our discussions in Committee that Natural England, landowners and various other people will need to get together to ensure that there is a voluntary agreement. That is important and I welcome it, but that is in the context of a Bill that states that as far as possible, there should be a continuous coastal path.

We hope and believe that those negotiations will work, and I am reassured that most people have a clear understanding of what voluntary agreement means and what arrangements can be reached to ensure coastal access. However, if those negotiations do not work, the amendment says not that there should be top-down legislation but that the House ought to know about it. The House should know what has gone well and what has gone badly, which voluntary agreements have worked and which have not and whether there are serious shortcomings compared with the ambition behind the Bill and our discussions in Committee. If there are, the Secretary of State's report may need to point out what remedies are available.

In some instances remedies may be available by order and, in others, more detailed remedies may be necessary, but I am not saying that an enormous 16-tonne weight should come down upon the heads of all those who have not conformed to the extent that we might like. Instead, a measured response and a consideration of how well we have done with voluntary agreements should be brought to the attention of the House, and there should be measured thought about what remedies are necessary. If the voluntary arrangements work as well as I hope and believe they will, the report may well be literally about three lines long. However, we must respect the ultimate aim of the Bill and consider how it should be achieved.

I set out in amendment 40 a number of things on which the report might concentrate. The "voluntary inclusion of parkland", as we all know from the CROW Act 2000, is a difficult matter, because of the difficulty of easily conceding unimpeded access across any area of inland parkland to ramblers when that may cause a problem with a number of functions of that parkland. However, that is not an exact parallel with the question of coastal access, when access would necessarily be along the fringes of parkland. Provided one has a clear definition of privacy and proper safeguards for access, the problem should be resolvable.

The Isle of Wight, which is not included in the arrangements, is accessed by ferry, which goes from the doorstep of my constituency on a regular and reliable basis all year round—people can get to the island without any problem at all. In previous years, there was, I believe, a party called the Vectis Nationalist party, which was in favour of independence for the Isle of Wight, but everyone else will agree that the island is very much an essential and beautiful part of the English coastline. The fact that it is an island accessible by ferries should make its inclusion by order in the provisions a reasonably straightforward thing to achieve.

That leads to the question whether further islands that are accessible reliably and regularly by ferry ought to be included in the scope of the legislation and the question that my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) has already asked—namely, what happens when seasonal ferries do not run? Does plan B come into operation in that situation, or does plan A mean that access would be possible only during certain times of the year and not at others?

Those issues can all be resolved within the overall aim of the legislation by negotiation, but I do not want to face, in several years' time, a similar situation to that in, for example, the New Forest, where the Solent way, parts of which are 6 miles from the coast, continues to be called a coastal path.

Andrew George: I shall take the hon. Gentleman back slightly to when he mentioned the accessibility of island communities by ferry. Would he apply the same principle to clause 302, which provides for a very specific exemption for the Isles of Scilly? I must inform him, as I did in Committee, that the council of the Isles of Scilly is very content with the arrangements because there is full coastal access throughout the islands, and it fears the consequences of formalising that.

Dr. Whitehead: Having walked around almost the entire coastline of the Isles of Scilly and some of the uninhabited coastline that can be reached by arrangements with people who are not related to the families who run the main boats on the Scilly Isles, I can confirm that there is superb coastal access there. Indeed, one might say that, in any event, ferry access to the Scilly Isles is not exactly the same as jumping on the Isle of Wight ferry. I take the hon. Gentleman's point, but there are other islands around the English coast.

Ms Angela C. Smith: Having used the Scillonian on more than one occasion, I entirely concur that it is not the same as using a ferry to the Isle of Wight. Is it not also the case that the Isles of Scilly have their own government to some extent? The Isles of Scilly and the Isle of Man are different from the Isle of Wight in terms of governance.

5.45 pm

Dr. Whitehead: I agree. The fact that the Bill already includes a note about the Isles of Scilly should underline the point, and it is not my intention to ask the Secretary of State for a report in two years on why the Isles of Scilly are not included under provisions for access by ferry to the English coastline.

I would like a clear understanding that progress will be made on the points that I have mentioned. They are not major points in relation to the development of the coastal path. They are about a minority of coastal paths—8 or 10 per cent. of the length, but we should not deceive ourselves that coastal paths that do not look like coastal paths in certain parts of the country are really coastal paths and therefore can be disregarded. A coastal path is a coastal path, and we should get as close as we can to that definition in reality as soon as possible after the passing of this legislation. I would welcome assurances from the Minister that progress will be made and that he will be vigilant in ensuring that if progress is slow, he will have the remedies in place so that the aim of the Bill is not overthrown.

Huw Irranca-Davies: I thank hon. Members for a good debate on this group of amendments. I was especially keen to hear the views of Members on these amendments, and I was reassured by the general welcome on both sides for the coastal path and spreading room provision. The hon. Member for Newbury (Mr. Benyon) understandably voiced his general concerns, as he and others did in Committee, about the process and the final outcome. He suggested that he was broadly in sympathy with our aims, but he is rightly testing us on how our thinking has progressed since Committee stage.

As well as the hon. Gentleman, we had contributions from my hon. Friends the Members for Reading, West (Martin Salter), for Sheffield, Hillsborough (Ms Smith) and for Southampton, Test (Dr. Whitehead), and the hon. Members for Hexham (Mr. Atkinson) and for North Essex (Mr. Jenkin), which were all different but illuminating in the detail that they tried to tease out.

It is worth remembering at the outset of discussion of this batch of amendments exactly why we are here today. Some hon. Members referred to the article by Charles Clover, whom I have come to know through his work on bluefin tuna. I commend him on his work and leadership in the public domain on that issue, and the Government were pleased to subscribe to that work and to help to push the boat far on it. However, I take issue with him on some of the detail in the article published at the weekend.

The point has been made that people already have great access, so why do we need to improve it. The hon. Member for Newbury mentioned the issue of statistics, and I shall come to that in a moment, but whether we are talking about 8 per cent. or 30 per cent., I remind him that the 8 per cent. in the middle of a jam doughnut is probably the nicest 8 per cent.—it is the sweet, juicy bit in the middle. We know that the coast is very popular with people for beach activities and wider forms of recreation. The evidence shows that walking is the single most popular activity on the coast, and all Members will be increasingly aware that access to good walking in the countryside brings not only physical health benefits, but mental health benefits. Improving access will give people not just the confidence but, to pick up on my hon. Friends' point, the certainty that wherever they arrive at the coast, other than on excepted land, there will be clear, well managed access in either direction and that they will be able to enjoy a rich and varied environment.

Let me turn to the Natural England report that underpins the background to the amendments. Natural England conducted a study of access to England's coastline. Its report, which was published in July, revealed that almost 1,000 miles of England's coastline is either inaccessible or lacks secure access—the pertinent point is about the confidence and clarity that there will be secure access. The findings did not come out of the blue, but arose from an extensive audit that Natural England conducted in partnership with 53 local access authorities.

The results of that study have been published in the form of maps and they show that there is no satisfactory or legally secure access to 34 per cent. of the English coast. That is bigger than the centre of the doughnut; indeed, we are missing a heck of a big chunk. In the north-west that figure rises to 56 per cent.—more than half the coast. I have remarked in the Chamber, in Committee and elsewhere that one of the best areas for progress is the south-west, where full, secure public access extends to 76 per cent. of the coast. However, I would not want to say that there were no areas in the south-west where we did not want to get our teeth into the jam in the middle of the doughnut as well, where that could be done.

Ms Angela C. Smith: My hon. Friend's references to the jam doughnut and the work of Natural England lead me to ask an important question. The late Sir Martin Doughty, who at his death was the chairman of Natural England, was a huge supporter of the coastal access provisions in the Bill. Will the Government think seriously about ensuring that a part of our coastal access provision is named after that much missed champion of access rights?

Huw Irranca-Davies: Although I would not want to prescribe it myself, that is an admirable idea for a part or all of the provision. My hon. Friend and other hon. Members have advocated the idea of remembering Sir Martin Doughty, who passed away only this year, in that way, as having a genuine coastal path and spreading

[Huw Irranca-Davies]

room was a major aspiration of his. If we succeed in introducing the Bill with cross-party support, the idea of recognising his contribution would have my personal support. Many of the organisations out there—whether the Ramblers Association, the British Mountaineering Council or others—would also welcome marking his contribution in some way.

Mr. Benyon: Talk of jam doughnuts has excited me and inspired me to see whether I can get a couple of points on the record. Does the Minister agree that we want to go to the best bits—that is, to the jam—first? Natural England should be looking at prioritising areas that will enhance tourism—areas where the path is needed and asked for by local organisations, pubs, village shops and others who will benefit from the tourism that it will bring. Will he also confirm, as I think he did in Committee, that the way Natural England approaches the issue is vital? It needs to understand, for example, that in parts of the south-west there is an existing path, maintained in some cases by landowners at their personal expense and liability, that may not go exactly along the coast. However, if the route takes people across a cliff top, the walker gets a better view. The path will already be there, but it will not be driving the route across the front of a caravan park that is actually on the coast. That flexibility needs to be reflected in how the Bill progresses.

Huw Irranca-Davies: Yes, indeed. The hon. Gentleman recognises the nature of the Bill and how the coastal path provisions have been made, in that it starts from the walking of the route. The Bill leads from there to the engagement needed with the various landowners and those who are interested in the coastal path to ensure, very much with local determination, that the best route is picked. The work of the south-west access forums has been a good model of how that approach works. We want it to be rolled out further. I will return to that issue in a moment, but, where possible, we also want access to parks and gardens to be opened up.

The hon. Gentleman's amendment 35 seeks to change one of the fundamental principles underpinning part 9 of the Bill, namely the coastal access duty in clause 291. Here we come to the meat of the issue. I understand why he is probing, but I hope that he might consider withdrawing the amendment once I have explained my reasons. The coastal access duty requires the Secretary of State and Natural England to secure two prime objectives. The first objective, as my hon. Friends have remarked, is to have a long-distance route or routes for the whole of the English coast that is accessible to the public for journeys on foot, including by ferry if appropriate, which is an issue that my hon. Friends mentioned to which I shall return. The second objective, which is associated with the route or routes, is to have a wider margin of recreational land available for the public on foot for enjoyment in conjunction with the route.

Amendment 35 seeks to amend the second objective and would make the coastal access duty much weaker than the Government propose. It would thereby inhibit the delivery of the Government's commitment to providing access to the whole of our wonderful coastline. The effect of the amendment would be to make the requirement to establish the coastal margin not absolute, but discretionary. I therefore cannot support the amendment. It strikes at the very heart of the Government's vision of allowing people access to the coastline so that they can play, paddle, explore and gain an understanding of the wealth of our coastal environment. Realising that vision requires a route around the whole of the English coast that is accessible by members of the public for recreational journeys on foot as well as a margin of land accessible to the public for the purposes of its enjoyment by them in conjunction with that route or otherwise.

Agreeing to the amendment would curtail that vision to a route with much more limited access. It would also frustrate user groups and members of the public alike, including many user groups that have campaigned ardently for that coastal access provision. We have always made it clear that at the heart of our proposals for improving access to the English coast under the Bill is, as the hon. Gentleman mentioned, the extensive consultation process that Natural England will be required to undertake with local interests in proposing the coastal route. Land managers, local access forums and local authorities, both of which I have met repeatedly on the issue, as well as representatives of recreational interest, wildlife and other interest groups will all be a key part of the approach adopted in designing the access corridor.

As with open access, I recognise that there may be occasions where access to the coast might cause a problem. Natural England will have to consider the need for restrictions and exclusions. We debated that extensively in Committee, and it has been debated in the other place too. Those restrictions and exclusions will be considered as part of Natural England's coastal report for each stretch of coast that must be approved by the Secretary of State. After the initial alignment process, landowners and those with an interest in land will be able to apply for further restrictions if circumstances change and they will have a right of appeal if these are not agreed.

The Bill also requires Natural England to prepare a scheme setting out the approach that it will take in discharging its coastal access duty that must be approved by the Secretary of State. A draft of that scheme has already been published and, once again, Natural England will consult shortly on a further draft for improvements. Indeed, Natural England has invited representatives from a number of our key stakeholders to a meeting next week to discuss the draft scheme.

Mr. Benyon: The Minister mentioned local access forums. They are feeling a little unloved at the moment, so will he give his leadership and ensure that they are genuinely consulted? Local access forums have a wealth of experience and understand what is required in delivering greater access, and they do that for next to nothing. They are a cheap and welcome addition to the expertise that already exists, but the Minister might like to put his weight behind ensuring that they feel part of the process.

Huw Irranca-Davies: The hon. Gentleman makes a good point. I met the local access forums two weeks ago, and they want to play a pivotal role in the coastal routes' development. Their members have expertise, they are volunteers, and they know the routes and the lie of the land. I cannot conceive how local access forums would not be part and parcel of the coastal routes' development.

6 pm

The ethos of the Bill is to use local knowledge from walking the routes to devise the proposal that will go to the Secretary of State. If the hon. Gentleman wants leadership in saying that local access forums, in all different shapes and sizes throughout the country, should be part and parcel of the scheme, I give him that categorical assurance.

Mr. Jenkin: I do not know whether the Minister will return to the question of Mistley quay, but does the Secretary of State or Natural England have any discretion under the Bill if access is denied and included in the "relevant excepted land"? Is there any discretion or power that the Secretary of State could use to resolve a dispute such as that at Mistley quay?

Huw Irranca-Davies: I am pleased to say that I shall come to that, but perhaps the hon. Gentleman will bear with me. I shall try to deal in detail with the various points that have been raised.

We have recently published a consultation paper on the contents of the order required under section 3A of the CROW Act, as inserted by clause 298 of the Bill. Through that order, the rights for open-air recreation will be created on the coastal margin and the route. Among other things, we have proposed that the description of land that will be specified in the order and to which the new right of access will apply includes the foreshore and any cliff, whether sloping or sheer, adjacent to the foreshore. The interests of walkers and climbers, and of the organisations that represent the interests of those who walk or climb—for example, the Ramblers Association and the British Mountaineering Council—will be fully taken into account before any proposals for the route are finalised. Owners' interests will be taken into account in the consultation process, and in their ability to make objections under new schedule 1A to the National Parks and Access to the Countryside Act 1949 as inserted by schedule 19 to the Bill.

We aim to achieve a route around the whole English coast, and access to a wider margin of land wherever possible, while fairly balancing landowners' and users' interests. That has been the Bill's trajectory throughout. We discussed it ad nauseam in Committee, and that is where we are now. The word "balance" is vital and, as hon. Members know, clause 292 places a duty on the Secretary of State and Natural England to strike a balance between the interests of the public in having a right of access over land, and the interests of any person with a relevant interest in the land. I urge the hon. Gentleman to consider withdrawing the amendment.

It is worth reflecting on the words of Baroness Hamwee, the Liberal Democrat spokesman in the other place. In reply to a similar amendment there she said:

> "At first reading, I thought that this was a moderately benign amendment giving an exception but, now having read it three times, it seems to me that it would give all landward owners and others who fall into that category what amounts to a veto. As I read it, that would wreck the coastal duty. Therefore, we could not support that particular amendment."—[*Official Report, House of Lords*, 1 June 2005; Vol. 711, c. 13.]

On amendments 32 and 33, I welcome the support from hon. Members, including my hon. Friend the Member for Reading, West, for the summit on sporting interests, which we held in the summer. It was attended by the Country Land and Business Association, the Countryside Alliance, the British Association for Shooting and Conservation, the Angling Trust, and others. It was a constructive summit, and I shall say more about it in a moment. The proposals emanating from it are sound, and they were welcomed by the BASC, the Angling Trust and others.

The hon. Member for Newbury has raised an important issue in amendments 32 and 33, which we discussed in Committee. Their combined effect would be to delete the existing categories of owner and leaseholder in clauses 292(4) and proposed new section 55J(2) in clause 297, and replace them with a definition of a "relevant interest", which includes those who hold a legal estate or legal interest in the land. That was part of our discussion at the sporting summit, which my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) also attended. Natural England and the Secretary of State would have a duty to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land, which would now include those with any interest in the land, including the owners of sporting rights and easements.

Those people would be a category of persons who must be consulted before Natural England's report is drawn up, and be notified of Natural England's final proposals for a coastal route. They would be able to make objections to Natural England's proposals under the procedures for objections included in schedule 1A to the National Parks and Access to the Countryside Act 1949, which schedule 19 inserts in the Bill. That procedure is available to persons with a relevant interest in affected land. In Committee, I said clearly that I want to take further steps to assure those sporting interests not only that their concerns are being listened to, but that we would, if we could, take further steps to assure those with sporting interests over land that they can continue to enjoy their rights when coastal access has been introduced.

We had a very productive meeting on 7 September, which was attended by my hon. Friend the Member for Plymouth, Sutton and representatives from the Angling Trust, BASC, the Country Land and Business Association and the Countryside Alliance, and I heard their views and concerns about the issues involved. I said at the meeting, and I now reaffirm, that our intention is that those with a sporting right, including holders of sporting tenancies—that was a major concern—should be specified in regulations made by the Secretary of State under schedule 19 to the Bill to ensure that their representations are given particular consideration by the Secretary of State. The regulations in question are those in paragraph 2(2)(f) of the new schedule 1A to the National Parks and Access to the Countryside Act 1949, which would be inserted by schedule 19 to the Bill. The effect would be that Natural England would have to take reasonable steps to give notice of a relevant coastal access report to those with sporting rights, and any representations that they made on the report would go in full to the Secretary of State rather than being summarised.

The concerns of those with sporting rights will be given full consideration by the Secretary of State, who will make the final decision on Natural England's proposals. In addition, when a landowner's objection is being

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considered by an appointed person under the procedures in schedule 1A, and the appointed person is minded to determine that the proposals fail to strike a fair balance, a copy of the published notice, which invites representations in relation to the objection, and any "relevant alternative modifications" included in Natural England's comments on it, must be given to the holders of sporting rights and others.

I believe that our proposed regulations are the right way to go, and that our approach meets the concerns that have been raised. I am extremely pleased that as a result of the summit, the Angling Trust and BASC have welcomed our proposals as satisfying their concerns. I am confident that public access and public safety can co-exist with the continued ability of those with sporting rights both to enjoy their sport and to run profitable businesses. I recognise the role that sporting interests, such as shooting and angling, play in the rural economy. Significant safeguards are already built into the legislation to ensure that all interests, including sporting interests, are taken into account. The basis of the approach to coastal access is extensive consultation before Natural England's proposals are made. The Secretary of State and Natural England must aim to strike a fair balance between the interests of the public in having a right of access and those of persons with a relevant interest in the land, as defined in the Bill. However, I stress that all interests will be taken into account when Natural England draws up proposals for the coastal route and the margin.

The Bill provides for extensive preliminary work and for consultation before Natural England draws up its recommendations. Natural England has said in its draft scheme that it will work with many interests, including shoot managers, when considering the best alignment for the trail. Natural England has also made it clear that it will draw up draft proposals, and these will include information on any exclusions and restrictions on access that it considers necessary. Natural England will also advertise the proposals and will ask for comment—it will not be hidden; it will be wide open. Everyone in the House now subscribes to the principle of transparency, and this will be more transparent than anything. It will provide the opportunity for anybody to make their views known and for those views to be taken into account by Natural England.

The scheme that I have described, which sets out how Natural England will approach implementation of the legislation, will be consulted on, is subject to approval by the Secretary of State and will be laid before Parliament. The proposals will include details of the route and associated coastal margin, and also any exclusions or restrictions on access to land included in it. Following the publication of proposals, anyone can make representations to the Secretary of State. The representations will go to the Secretary of State in summary form, and he must take account of them in deciding whether to approve or reject the proposals, or to approve them with modifications.

What I am proposing is that those with a sporting right, including holders of sporting tenancies, should be specified in regulations made by the Secretary of State under schedule 19, so that their representations go in full rather than in summary form to the Secretary of State. In addition, experience of open access has shown that in most cases the best way to reconcile public access and sporting activities is through positive management techniques and engagement on the ground. That is the way it works. Where that is not the case, those with a sporting right will have an ongoing right to apply for restrictions and exclusions of access, where necessary, and a right of appeal if they are not put in place.

Those with a relevant interest, as defined by section 45 of the CROW Act, which includes sporting rights, will have the same rights as they do now on CROW land, to apply for restrictions and exclusions of access for land management reasons. Land management can include, for instance, management of a sporting activity—including, if appropriate, the sporting activity itself or the holding of commercial events. Such sporting activities might include shooting or fishing, and those with rights that enable them to carry out these activities on access land could apply for restrictions or exclusions, if they are necessary.

I believe—here I echo comments made by my hon. Friends—that that process has worked well under the CROW Act for open country and registered common land. We have issued a consultation paper on the new section 3A order required under the Bill. We made it clear in Committee and elsewhere that we have no intention to make changes to the categories of people who may make an application for restrictions and exclusions under section 24 of the CROW Act.

Given that different approach for coastal land and the consultative nature of the process, and given the approach that we have set out in the Bill—along with the commitment that I am happy to reaffirm today that those with a sporting right, including those with sporting tenancies, should be specified in the regulations under schedule 19—I urge the hon. Member for Newbury once again to consider withdrawing the amendment.

Let me deal with another issue that the hon. Gentleman raised, which we touched on in Committee, about those with interests other than shooting, including issues surrounding mineral rights. I confirm that Natural England will carry out an extensive process of consultation with local interests, as I have described—land managers, local access forums, local authorities, representatives of recreational interests, wildlife interest groups and so forth. When I met the coastal access forum a few weeks ago, I promised to consider any information that it could provide me with on who might hold mineral rights. We had a useful discussion. I have not been sent anything since the meeting, but we will consider the possibility of including those with such rights in the regulations in paragraph 2(2)(f) of new schedule 1A to the National Parks and Access to the Countryside Act 1949, which would be inserted under schedule 19. We will consult on those regulations in due course.

Let me deal now with amendment 34, tabled by the hon. Member for Newbury, which would insert a new subsection into proposed new section 55E. It would oblige the Secretary of State to make regulations that would entitle a person with a relevant interest in affected land to require Natural England to undertake a review of a coastal access report on certain grounds. These may include a proposed or actual change in land use and a review of existing or proposed exclusions or restrictions of access. Applicants seeking a review would have recourse to the objections procedure set out in

schedule 19, should Natural England not undertake a review or amend its report accordingly.

6.15 pm

I understand the concerns of the House that the coastal access provisions should not prevent future changes in land use. For this reason, I have been talking to stakeholders, explaining how the provisions will work and providing reassurance that the Bill will be implemented in a way that does not sterilise land by preventing any future changes. I understand the hon. Gentleman's concern, but I want to make it clear that we are not in the business of allowing a coastal path to mean no future development, which would go against the whole ethos of the Bill.

Bill Wiggin: Will the Minister elaborate a little more on what he means by "sterilise"? Does he mean, for example, that the land would not be eligible for single farm payments?

Huw Irranca-Davies: The hon. Gentleman tempts me down a path on single farm payments that I am wary of treading on. It is more to do with how proposals for future land use are developed. In my constituency, for example, an area has been designated for light industrial use for 20 years, yet there is no light industrial use on it. If we were to incorporate that sort of approach into the coastal margin, we could well end up with a coastal path or coastal margin without any integrity or coherence—a coastal path with big red lines all the way along it. There might be further proposals for every couple of miles along the path. We need to ask how one defines a proposal. Is something defined as a proposal because it features in a local development plan or a unitary development plan some years down the line? Is it a proposal if some supermarket or retailer has said that it might be interested somewhere down the line? I shall explain in more detail later why this simply would not work.

I understand the concerns, which is why I used the term sterilised land, about the idea that if a coastal path were put in place, it would mean that no development could happen. We do not want that. On the contrary, I believe that the Bill's provisions are extremely flexible in that respect. Let me explain why I believe the necessary safeguards are in place.

At the outset, before drawing up a report on a particular stretch of coast, Natural England will take appropriate account of any relevant local plans, such as local development plans and planned major developments, as part of its consultation with landowners, local authorities and others, including the Marine Management Organisation. As we are all aware, the MMO will be consulted on any plans that could affect the marine environment as a result of the Bill. It is likely to have a pretty good knowledge of what is coming down the track, including some of the much further afield national infrastructure developments. I encourage all those affected to engage in constructive discussions with Natural England at this early stage on the best position for the route.

As part of the local consultations on the route and spreading room, Natural England will discuss the need for any exclusions or restrictions on access. Any necessary exclusions or restrictions will be included in Natural England's report and put in place before the right of access to that particular stretch of coast comes into effect. If circumstances change at a later date, those with an interest in the land can apply for restrictions or exclusions under sections 24 and 25 of the CROW Act —for example, for land management purposes. The flexibility is built in there.

Once the route is implemented, under the provisions in the CROW Act, land can become excepted from the right of access at any time if some change or development occurs so that it falls into one of the excepted land categories in schedule 1 to the CROW Act. These include, for example, land covered by buildings or the curtilage of such land; land used for the purposes of railways or tramways; and land that does not fall within some other excepted land categories and is covered by works used for the purposes of a statutory undertaking.

Paragraph 9 of that schedule makes specific provision for development in establishing a category of excepted land as follows:

> "Land as respects which development which will result in the land becoming land falling within any of paragraphs 2 to 8 is in the course of being carried out."

Paragraphs 2 to 8 include the categories that I have already mentioned. I apologise for being so detailed on the matter, but it is important.

In addition, it is worth reminding hon. Members that the line of the route is not fixed permanently. Powers in section 55 of the National Parks and Access to the Countryside Act 1949 enable Natural England to review the route and associated margin and to propose changes to the Secretary of State at a later date—subject, once again, to full consultation, representation and the objections process. In those ways, the legislation is designed to take account of changes in use and future developments.

I consider it neither appropriate nor practical that a person with a relevant interest in land should be able to require Natural England to carry out a review of a report on the basis of a proposed development, or to have recourse to the objections procedure in schedule 19 to the Bill, if Natural England does not agree to amend the report on the basis of such a proposal. At the proposal stage, it may be several years before a determination on any eventual planning application is reached—we are all familiar with that in our constituencies—or the change of use is implemented or development begun, and the final agreed development may be significantly different from the original proposal in size and shape. Such an approach, which could preclude access for some time, would not be considered fair to the local community or other users, and would not help us to deliver on our aspirations for a coastal path.

As I have explained, if a change of use or development occurs so that land falls within one of the categories of excepted land in schedule 1 to the CROW Act, it becomes excepted from the right of access. If land over which the coastal route passes becomes excepted land, I would expect Natural England to review its report and propose a revised route so that continuity is maintained. Indeed, it would be difficult to see how Natural England would be fulfilling its coastal access duty were continuity of the path not maintained.

I recognise the concerns of landowners and occupiers about any possible impacts of the right of access on future change of land use or development. Planning policy guidance recognises the importance of protecting

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and enhancing the character and landscape of undeveloped coastline and supports the provision of public access to the coast as a basic principle. However, where a coastal location is necessary for development—for example, to provide essential energy infrastructure—and access is not compatible with the development, it will be in no one's interests for the coastal route to be given undue weight in the decision. The flexible way in which the legislation will work will help to ensure that that is not the case.

Turning to the second reason cited in the amendment for requiring Natural England to undertake a review of a report, those with a relevant interest in land may already make an application to the relevant authority for exclusions or restrictions of access under sections 24 and 25 of the CROW Act. They must also be consulted when the relevant authority is considering revoking or varying a direction made on application under sections 24 or 25. When the relevant authority does not act in accordance with such an application or a representation, there is already a right of appeal to the Secretary of State under section 30 of the Act. In many cases, the sort of developments involved will have been discussed with Natural England when the proposals for the route were drawn up. If the process and scheme of operation works as has been explained, the issue will be picked up, and a contact will be available. In other cases, the normal routes to contact Natural England—via website, post and phone—will be available. The local authority might also provide a good way of making contact, as it will often have worked on proposals for development. Given those clarifications, I hope the hon. Gentleman will consider whether he needs to press the amendment.

Amendment 40, tabled by my hon. Friends the Members for Southampton, Test, for Sheffield, Hillsborough and for High Peak (Tom Levitt), would require the Secretary of State to lay a report before Parliament within two years of the commencement of part 9 of the Act, with particular regard to the progress made on four issues—the voluntary inclusion of parkland, the inclusion of the Isle of Wight in an order under clause 295, the addition of further islands reachable by ferry under the same clause and the use of seasonal ferries as part of the coastal path under clause 296. The amendment would require the Secretary of State to append proposals to remedy shortcomings in the establishment of coastal routes that are apparent to him.

Let me discuss the four issues, and explain why I do not consider the amendment to be necessary. First, as I made clear in Committee, I recognise that the issue of parks and gardens is important for many people—it was raised during pre-legislative scrutiny of the Bill and again during the Bill's passage in the other place. I have listened to the different arguments put forward. On the one hand, an individual's property rights and privacy should be protected—there has never been any withdrawal from that point of principle—and we want to make sure that the balance is right in that regard. On the other hand, the exception for parks and gardens could result in significant detours, not least where there are extensive parklands on the coast.

We have said that we do not intend to change the category of excepted land in schedule 1 to the CROW Act, which covers parks or gardens, under which there would be no right of access to such land. There was cross-party support in Committee for our approach, in which, as I made clear, Natural England will seek to reach voluntary agreements with landowners to enable a route to be created through a park, where necessary, to provide continuity of access and to avoid a significant inland diversion. Hon. Members have related their experiences of being diverted miles inland to a route that certainly could not be defined as a coastal walk.

I have asked Natural England to try to secure access along the route by voluntary means, and in particular through the dedication of land for public access under the CROW Act provisions. The system that I have set out should be given a trial, which should investigate how great the problems are and how evident the good will of landowners and occupiers of parks is. Subsequent to our debate in Committee, individual landowners or representative bodies whom I have met have been clear that they are expected to deliver on that undertaking in a voluntary way. I recently met the coastal access forum, which includes representatives from a number of organisations such as the CLA and the Historic Houses Association, and they assured me, and have subsequently written, that they will work constructively with Natural England in such cases where parks abut the coast. However, it will be important that Parliament monitors the effectiveness of the voluntary approach proposed. Natural England has therefore been tasked to keep the matter under review.

We have already said that Natural England will report to Parliament on progress of the implementation of the route after 10 years. In addition, as I promised in Committee, I have asked it to undertake an earlier interim review and to report to Parliament specifically on issues that have arisen as a result of parks being excepted land, and on the success of any voluntary agreements to ensure public access along the route through parks. Although it is not a requirement in the Bill, we have asked that that report should take place within five years of Royal Assent. I also made it clear in Committee that the Secretary of State could amend the exception for parks and gardens if satisfactory progress is not made and significant issues remain. That would be subject to the affirmative procedure; it would not require primary legislation, but it would need to be approved by a resolution of both Houses of Parliament.

Let me make it clear that my proposals do not represent a pendulum, or an axe, swinging over landowners. Let me also say, however, that in Committee and in the changes that we have made to the Bill we have made clear our intention to open access—where we can—to some of the coastal gems that could be described as the jam in the doughnut. I believe that there is a willingness to do that, but I also believe that we must all work collectively, in the House and outside, to ensure that it is done.

6.30 pm

We have already made a commitment, in Committee, to take steps to include the Isle of Wight in an order which will be subject to consultation: the legislation will not be rammed down people's throats. Natural England will consider other islands that cannot be reached on foot—again, after local discussion and consultation. I believe it is appropriate for islands that cannot be reached on foot to be considered individually, because all our islands are singularly different from each other.

As for other islands that may be reached by ferry, I know that the question of whether Lundy will be included has been raised before. The island is hugely attractive and people—including me—love to go there, but access to it is limited owing to the lack of any regular ferry service. I am aware that there may be a case for including it in due course, but Natural England will need to engage in detailed discussions with the National Trust and the Landmark Trust before we reach a decision.

I assure Members that I shall be happy to report back to Parliament on progress relating to the inclusion of other islands. I do not consider it necessary or appropriate to include in the Bill a requirement such as that proposed in the amendment, but I think I have made it pretty clear that we have not only provided powers in the Bill but would like access to be available—subject to consultation, as with the Isle of Wight.

My hon. Friends raised the important issue of seasonal ferries. Provisions in clause 296 enable Natural England to make a proposal to the Secretary of State on any estuary. It may propose that the route should stop at the mouth of the estuary, that it should stop at any point between the mouth of an estuary and the first public foot crossing—either a bridge or a tunnel—or that it should extend as far as the first public foot crossing. In deciding on such proposals, Natural England must have regard to considerations in clause 292(2) and a number of matters set out in clause 296(4), including the existence of a ferry by which the public may cross the river. At all times when discharging the coastal access duty, Natural England must aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of owners and occupiers.

As I have said, Natural England will be required to undertake an extensive process of consultation with local interests as it develops its proposals. Estuaries will be an important issue for many areas. For example, the coasts of Essex and Suffolk and those of Devon and Cornwall are indented by estuaries. Natural England's discussions with local interests—which will include land managers, local access forums, local authorities, and wildlife and other interest groups—will be a key part of its approach, and the success of the design of the access corridor.

A proposal in a coastal access report relating to whether a particular estuary should be made up to the first pedestrian crossing point will be included on a case-by-case basis, and Natural England will consider that in the light of the detailed criteria in the Bill. I should make it clear, however, that we would not normally expect Natural England to stop the route at the starting point for a ferry that does not run throughout the year unless particular difficulties are involved in taking the route further upstream to the first public crossing. The Secretary of State will examine all the issues involved—including whether the use of a seasonal ferry for the route is appropriate—before making a decision on the report.

Natural England will prepare its coastal access reports over the 10-year implementation period, and will state in those reports where the existence of a ferry by which the public may cross the river has been a major consideration in its decision for the coastal route in any particular estuary. As I have said, Natural England will report to Parliament on the implementation of the route after 10 years. If the Secretary of State thinks that an earlier report should be made, he or she may ask it to make one, but I do not consider it necessary or appropriate for the Bill to include such a requirement. Clause 294 requires Natural England to complete a review of the scheme within three years of its first being approved by the Secretary of State, and I would expect such a review to cover the matters that the amendment seeks to require the report to include. Given that requirement, along with the requirement for a report after five years in regard to parks and gardens and the report to Parliament after 10 years, I urge Members not to press their amendments.

Amendment 37 seeks to remove clause 300, which states:

"No duty of care is owed by Natural England"

or anyone acting on its behalf

"under the law of negligence... when preparing"

or proposing the coastal route, in connection with any failure by Natural England to erect signs warning of hazards or in connection with any failure by it to restrict or exclude access. It also states:

"No duty of care is owed by the Secretary of State... under the law of negligence when... approving proposals"

for a coastal long-distance route or giving direction for the variation of such proposals.

The matter was debated extensively in the other place. As Lord Hunt of King's Heath noted, we doubt that a court would impose such a duty of care, and the aim of clause 300 is to clarify the legal position. Let us be frank. We recognise that in places the coast is inherently dangerous, and we do not want uncertainty about the legal position to give rise to an over-cautious or nannyish approach that could result in warning signs unnecessarily dotting the landscape. That would be in no one's interest.

Ms Angela C. Smith: I entirely agree with my hon. Friend. The British Mountaineering Council has made it absolutely clear that in sports such as rock climbing and mountaineering safety is the responsibility of the individual, and risk is part of participation in such sports. I believe that that is generally the right approach.

Huw Irranca-Davies: My hon. Friend is right. We do not want to wrap all outdoor activities in cotton wool. Part of the joy of experience of the outdoor environment is the risk that is inherent in, for instance, walking up a hill, along a coast or along a cliff. Those risks are part and parcel of sport, and of our development as adults or, indeed, as children.

Tom Levitt (High Peak) (Lab): As my hon. Friend knows, my constituency has no coastal path but does contain a huge number of well-established mountain-climbing areas. All the risks are thoroughly understood and agreed on by landowners and climbers, and there is no reason why the same arrangements should not apply to coastal paths.

Huw Irranca-Davies: Again, I entirely agree.

Let me give the House an anecdote to think about. On a memorable occasion, I walked through an area that the hon. Member for Brecon and Radnorshire (Mr. Williams) will know very well: Fan Hir, that marvellous ridge where the Brecons lift up before dropping off. The next mountains to be seen are the Cambrian mountains,

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further afield, in the constituency of the hon. Member for Caernarfon (Hywel Williams). I was walking there late one night, when the snow was coming down, and suddenly realised that I had run out of time. The rivers were in full flood, I could not return on the track I had arrived along, and the darkness was coming in. I rang my wife and told her not to worry and that I would be back home safely. She replied, "That's perfectly understandable, my dear, I'll see you later," and then put the phone down; I was, however, hoping that she would come out and rescue me when I got back down to the bottom. I finally returned home four hours later, in snow and the pitch black. I tell that story only to illustrate the point that the outdoor environment is inherently risky and that we manage our own risks.

Bill Wiggin: The problem with this clause is that it is the Government position, rather than the user of the outdoors, that is being wrapped in cotton wool. That is why my hon. Friend the Member for Newbury (Mr. Benyon) has tabled his amendment. Will the Minister therefore allay our fears about the liability of landowners, as I suspect that, in the circumstances, they might be making parts of the countryside or coast unavailable because they are fearful of being sued?

Huw Irranca-Davies: I will happily do so shortly. Although that point is not pertinent to this particular amendment, I acknowledge that it has been raised.

The other reason why we do not want to take the approach I have been talking about is that we do not want to create a lawyers charter. We do not consider it necessary for people to waste their money instructing lawyers in order to test the position.

Clause 292 makes it clear that in discharging the coastal access duty Natural England and the Secretary of State are required to have regard to the safety and convenience of those using the English coastal route. I therefore believe that the approach we have set out in clause 300 is proportionate to the specific circumstances. It reflects the position of many who responded to our public consultation on ways to improve access to the coast. We are not setting out through this legislation to change the nature of the English coast and make it safe in all circumstances; I know that the hon. Member for Newbury understands that. People must ultimately take responsibility for their own safety and that of children and others in their care, and come to the coast with that thought in mind. I ask the hon. Gentleman to reflect on that point, and consider withdrawing the amendment.

The hon. Member for Leominster (Bill Wiggin) raised the issue of occupiers' liability, and there is also the question of whether owners will be held responsible for accidents on their land. When the CROW Act introduced the right of access to open country and registered common land marked as access land, provision was made on occupier's liability under the Occupiers Liability Acts of 1957 and 1984. As the hon. Gentleman will know, this has reduced the level of liability of occupiers to members of the public who are exercising their right of access on CROW Act access land, and that was the right and proper thing to do. For example, if someone sustains an injury on CROW Act land because of a natural feature of the landscape, the reduced level of liability means there will be no scope to sue the occupier. In addition, if someone sustains an injury by, for example, climbing over a wall or a fence, the reduced level of liability means that there will be no scope to sue the occupier unless the injury was sustained through the proper use of a gate or style, provided that the danger is not due to anything done by the landowner with the intention of creating a risk or being reckless about whether a risk was created. That is the clear legal difference.

Tom Levitt: My High Peak constituency has more open access land as defined under the CROW Act than any other constituency in England, and I am not aware of there having been even one case of liability. People have been relieved that the liability provisions of the CROW Act have worked, and there is no reason to believe that they will not work in this Bill too in a way that reassures landowners, users of the areas and others.

6.45 pm

Huw Irranca-Davies: I fully agree with my hon. Friend on that. These provisions work very well.

I have corresponded with my hon. Friend the Member for Sheffield, Hillsborough as a result of her representations on behalf of the British Mountaineering Council, the Ramblers and others, and I just want to put the following points on the record. I recognise that, as with open access, there may be occasions when access on the coast might cause a problem, and Natural England will have to consider the need for any restrictions or exclusions. These restrictions will be considered as part of Natural England's coastal report, which has to be approved by the Secretary of State. The Bill requires Natural England to prepare a scheme setting out the approach it will take to discharge its coastal access duty, which must be approved by the Secretary of State. Natural England will shortly consult on a draft of the scheme, and will establish that in any case in which it decides that action is necessary, its policy will be to adopt the option that is least restrictive of public access.

The hon. Member for North Essex asked whether the Secretary of State can do anything to give access to relevant excepted land. Such land is normally excepted for very good reasons. The key is to get the categories of excepted land right—we have been talking about that in this debate. That is why we are currently consulting on the appropriate categories of excepted land for coastal access. I hope the hon. Gentleman will contribute to that discussion and make suggestions as to the changes that we might propose, such as those to the categories of excepted land under schedule 1 of the CROW Act. Certain categories of excepted land are not access land for the purpose of part 1 so we have made some proposals.

First, we propose to remove some existing categories of excepted land that we do not think are appropriate for the coastal margin. I am sure the hon. Gentleman will want to offer his thoughts on that. Secondly, we propose to amend some of the existing categories to allow for the coastal route to go through them. That will be of relevance to many Members who are keen golfers. Thirdly, we propose to add some new categories appropriate to the circumstances of the coastal margin, such as formal camp and caravan sites. We also seek views on these published guidelines and on the meaning

of the existing categories. I hope that is of some help to the hon. Gentleman as he has identified a relevant point, but this Bill and the reform of some of the excepted land categories offer us the opportunity to make the sort of changes to which he refers.

Mr. Jenkin: I thank the Minister for his comments and his helpful suggestion, which I think means I shall be able to take part in the consultation on what categories of exempted land shall be made. Perhaps areas where public access has historically been allowed could be included in that. In the meantime, however, may I ask the Minister just to have a word with his ministerial colleague with responsibility for the HSE? It seems that at present the Minister is trying to extend coastal access but the HSE does not give a monkey's about coastal access issues. It could therefore be encouraged to behave a little more responsibly in that regard.

Huw Irranca-Davies: I am sure that the HSE and relevant Ministers will hear those comments. On whether the Bill will provide access to Mistley quay, let me say that we are consulting on the treatment of quays specifically, and we currently propose that the right of access should apply to them. The landowner would therefore benefit from the reduced liability I referred to earlier in respect of clause 301. I ask the hon. Gentleman to keep the communication going and to keep putting points forward.

My hon. Friend the Member for Southampton, Test has been a keen advocate of coastal access and the coastal margins both in Committee and through campaigning outside this House, as have many hon. Members and hon. Friends. On amendment 40, I have described the role of the reporting function to Parliament after 10 years, but I want to clarify what I said earlier: if it is necessary for an earlier report to be made, the Secretary of State may, indeed, ask for that to be done.

I believe I have covered in some depth all the points that have been raised. On that basis, I urge the hon. Gentleman to withdraw his amendment.

Mr. Benyon: I am grateful to the Minister for that tour de force, which went into some detail.

The Minister's earlier remarks on my amendment 35 left me mildly piqued. He seemed to suggest that I was intending by this measure to trash the whole concept of a coastal margin, but nothing could have been further from my intentions. I was seeking to be honest and transparent—as he says, we in this House are all interested in that at this moment—and in trying to be frank with people. We are not saying that there will be coastal margin everywhere in the delivery of this path. I was on holiday this summer in the north Norfolk area. As the Minister might know, there is a narrow strip of beach in many parts of north Norfolk, with a few dunes and then a vast area of marsh, before coming to solid land with houses, gardens and fields. As I looked at this, fresh from the Committee, I was struck by how difficult it would be to deliver in those areas coastal margin access that was either safe or practical. Through amendment 35, I was just trying to create some clarity and honesty. The Minister's remarks, which are on the record, have helped in that respect and I am not going to push the amendment.

On amendments 32 and 33, I pay tribute to the Minister for his Herculean efforts in seeking to find a greater degree of understanding and agreement on this issue; he should take the credit for that. His meeting with the relevant bodies has gone a long way towards clarifying the situation. I may have got it wrong, but I think he went a little further in his remarks today than he originally did. Specifying in regulations in schedule 19 is a major step forward. It secures the position of a whole range of interests in the land. I am grateful for his further comments relating not just to sporting interests but to those with mineral rights or options for such rights, for example. They will be reassured by his comments, so this is a major step forward.

On amendment 34 and the change of use, the Minister said that this provision would be implemented in a way that does not sterilise land. That is really important. Land should not be sealed in aspic; it should be constantly evolving. A whole range of options are open to land managers; they do not want them to be stifled by what could effectively be a charge on the land, which would prevent them from going down such routes.

I do not understand why an exclusion around agricultural buildings could not have been included in the Bill, as it was in the CROW Act. If we have learned one thing from foot and mouth and other more recent problems, it is that biosecurity is very important. A 20-metre exclusion around farm buildings would have been a good thing; however, I am not going to press the matter.

The Minister talked about exclusions, which have been used very effectively under CROW by a whole range of different land managers. The problem is that it is a big ask of walkers. Before going for a walk in the country, are people really going to sit down, log on to the local authority website, see which landowner has an exclusion because of lambing or nesting, for example, and find out where their land starts and finishes? It is asking a lot of people to follow through that process.

On the issue raised by my hon. Friend the Member for North Essex (Mr. Jenkin)—he told us about the rescue of an injured person—although the Health and Safety Executive has caused this problem, it could be the solution in that it might now say that action has to be taken to resolve such problems. However, this is a very important case study that shows how pressure points will be applied to this legislation. They will be resolved best locally, by local people and with the involvement of organisations such as local access forums and local authorities.

The Minister made some sensible suggestions in respect of amendment 40, and I hope that the hon. Member for Southampton, Test (Dr. Whitehead)—he is not in his place—heard them.

On the debate concerning parks and gardens, we discovered in Committee, as was discovered with the CROW Act, that a lawyer's charter can be created, with lawyers dancing on the head of a pin in trying to describe where a garden finishes and a park begins. Of course, when thinking about the Bill, hon. Members have in their minds landscapes by Repton or Capability Brown—vast landscapes miles away from any residents. However, we have to secure basic rights of privacy. We have to recognise that the wording is very difficult to get right, and the Minister is right to keep that exclusion in, albeit with his caveats about hoping to achieve more access.

The Minister said that this is not a sword of Damocles over landowners' heads. In Committee, a particular landowner was mentioned in relation to the hon. Member

[Mr. Benyon]

for Southampton, Test. I have had conversations with that estate since, and it is taking the matter very seriously; for example, it makes considerable efforts to achieve public access in areas such as education. The language in these debates can easily demonise people who are in fact doing immense work to achieve greater understanding about the countryside and greater access for all sorts of people. The Minister's words will be well heard.

Estuaries are very complicated areas to which to deliver access. There tends to be a greater level of occupation: more activity going, more boatyards, more slipways and more residential areas. I liked the phrase that the Minister used—that this will be looked at on a case-by-case basis. Again, we are putting a lot of hope in the idea that Natural England will approach this issue in the right way. All my discussions with it suggest that it will, but there will undoubtedly be problems and the Minister will on occasion be required to solve them. A three-year review of progress gives us an opportunity to see whether what the Minister wants—and we all want—is happening: greater access to the countryside.

On amendment 37 and liability, I am grateful to the Minister for clarifying the legal position. He said that we do not want to see an over-cautious approach to the issue of access to countryside. We live in a litigious society. Cycling and equestrian clubs now get members to sign disclaimers before any activity can take place. The degree of bureaucracy is becoming absurd, and to it can be added Criminal Records Bureau checks and the other checks that such organisations have to go through. We do not want to add an horrendous new tier of liability to the process of simply getting out and enjoying the countryside and coastal Britain. Of course, the Minister reminded us that under clause 292(2), Natural England and the Secretary of State

"must have regard to…the safety and convenience of those using the English coastal route".

With that, I am happy to withdraw my amendment and allow the Bill to proceed to the next phase.

Amendment, by leave, withdrawn.

New Clause 8

MCZs: DUTY TO MANAGE AND MITIGATE IMPACTS UPON EXISTING ACTIVITIES

'The Secretary of State, the Scottish Ministers and the Welsh Ministers must take all reasonable steps to manage and mitigate the impact on fishing and other existing activities resulting from the designation and management of an MCZ.'.—*(Mr. Austin Mitchell.)*

Brought up, and read the First time.

Mr. Austin Mitchell: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: amendment 18, in clause 124, page 83, line 40, at end insert—

'(ea) the extent to which, in the opinion of the authority, the operation of the MCZs have had an impact upon the marine economy in general and the commercial and recreational fishing industry in particular;'.

Amendment 44, page 83, line 43, at end insert—

'(2A) The appropriate authority must also make annual assessments of the cost and impact of the MCZs to the fishing industry and submit these to the Secretary of State, Welsh Ministers or Scottish Ministers who must manage and mitigate such effects.'.

Amendment 24, in clause 141, page 95, line 44, at end insert—

'(g) was done by a person fishing in a responsible manner within an MCZ and the act resulted in damage which that person could not have avoided.'.

Amendment 28, page 96, line 9, at end insert—

'(b) the act occurred on the seaward side of the 0-6 nautical mile fisheries zone in a location where foreign vessels have fishing rights, and'.

Amendment 23, page 96, leave out lines 10 and 11 and insert—

'(b) (i) the person was aware of the protected feature in question;

(ii) there was no intention of causing damage to a protected feature; and

(iii) they took all reasonable steps to avoid causing damage or a contravention.'.

Government amendment 5.

Amendment 42, page 96, line 11, at end insert—

'(4A) The Secretary of State must make regulations by statutory instrument that make provision for the equal treatment of—

(a) UK registered vessels,

(b) other EU registered vessels and

(c) third country vessels,

in relation to the contravention of byelaws and offences under sections 129 to 141.'.

Amendment 29, page 96, line 21, at end insert—

' "foreign vessel" means any vessel other than a relevant British vessel, Scottish fishing boat or a Northern Ireland fishing boat.'.

Amendment 17, in clause 229, page 145, line 22, leave out paragraph (a).

Government amendment 13.

Amendment 15, in clause 66, page 45, line 3, at end insert—

'(c) no item applies to any form of fishing activity.'.

Amendment 36, page 45, line 3, at end insert—

'(c) nothing therein shall be taken to apply to any form of commercial sea fishing by any method.'.

Amendment 41, page 45, line 8, at end insert—

'(5) For the purposes of this Part, a licence granted under section 4 of the Sea Fish (Conservation) Act 1967 is a marine licence permitting the holder to carry on marine activity to the extent permitted by the licence conditions permitted under that Act.'.

Government amendments 9 and 14.

Mr. Mitchell: I wish to discuss not only new clause 8, but amendments 41, 17, 15 and 24. I wish to do so because of a concern for the interests of commercial fishing, which remain a factor, although not as big a one as before, in the health and prosperity of Grimsby. They are more important to communities up and down the coast—many of them isolated—in which fishing is the main industry. Their needs, views and industry need to be taken into account more effectively than they have been. I wish that some of the passion, enthusiasm, interest and involvement that have just been shown in discussion of the rights of coastal access in the Bill were also demonstrated in concern for fishing, because it is a

more important activity to this country economically. The industry employs 13,000 people on the catching side, 26,000 in processing and 40,000 in distribution, it contributes about £6 billion a year to the national economy and, as I said, it is particularly important to remote communities.

7 pm

The Bill affects fishing in many ways. It is primarily a Bill that has been pushed by non-governmental organisations—the conservation and environmentalist groups—and, in a sense, it is too far weighted towards them and insufficiently weighted towards preserving the interests of fishing as an existing activity. Even I—the MP for Great Grimsby—have been deluged with cards telling me, "These marine conservation zones should be extended to a quarter, a third or even more of the North sea." I have replied by asking these people, who are from Grimsby, whether they had not realised that it is a commercial fishing port with an interest in fishing in these zones. Members have gone around telling schools that the interests of fishing should be precluded altogether and that fishing should be stopped because we are endangering stocks.

The Bill is primarily about conserving the marine environment; it is not a Bill for controlling or regulating fishing. We need to make that absolutely clear, because it cannot do both—indeed, it should not do both, because the fishing industry has a major interest in conservation. It is one of the natural agencies that Governments should look to and be concerned with, because its interests are in conservation, in sustainable fishing and in maintaining a resource on which the livelihoods of fishermen depend and which they want to hand on to their children and to their area. That interest has to be taken into account. This Bill should not be seen instead as yet another restriction on fishing—commercial fishing in particular—which has been harassed and weighed down with regulations, controls, quotas, limits, the days at sea limitation and exclusion from certain areas and certain stocks to the point where it has become desperate.

We cannot use this Bill to impose another series of controls on fishing, because that would alienate the fishing industry. Such an approach would fail to generate the enthusiasm for conservation that exists within the industry and would fail to use fishing as a means of ensuring proper conservation. The fishing industry wants to build up stocks and avoid damage, and, in that sense, it has the same interest in conservation as the Bill. Like New Zealand, whose marine conservation areas are perhaps more natural than ours because they are based on reefs—the more natural way of having conservation areas—this country's approach, in this Bill, should be based on consulting and involving the fishing industry. I want the Minister to take that approach and I know that he wants to achieve that end too.

We are dealing with an area in which scientific knowledge is inadequate; we do not have scientific knowledge about the marine conservation areas, about the sea or about what is underneath the surface. The fishing industry has more knowledge than the scientists, so it should be involved not only when consulting on what is decided in the Bill, but in policing that and in reporting to the Minister and the authorities about what is going on in these areas. Anything that restricts fishing weakens that superintending role and the conservation concern that the industry has; anything that weakens fishing weakens conservation. That is why I wish to include in the Bill some of these safeguards that have been mentioned.

I should mention that the responsible fisheries schemes, which have been energetically, and rightly, promoted by Seafish, now have the support of 44 per cent. of the fishing industry—by weight of vessel. That demonstrates the degree of involvement of the fishing industry in the conservation issue.

Martin Salter: I am listening, as I suspect many hon. Members are, with some incredulity to the arguments being made by my hon. Friend. Will he clarify for the House his earlier statement that it is impossible to introduce conservation measures that restrict commercial fishing? Does he not see that that statement might be a problem for some of us?

Mr. Mitchell: I am surprised at my hon. Friend's incredulity, because the interests of commercial fishermen and anglers are much the same.

Martin Salter: No, we are in favour of this Bill.

Mr. Mitchell: I am defending the interests of fishing as an industry and as a leisure activity—I would have thought that my hon. Friend would have supported that. My assertion is that fishing is an agent of conservation, and one cannot have marine conservation areas, which are intended primarily to conserve the marine environment, by also placing added restrictions on fishing. That defeats the purpose of the marine conservation areas.

Martin Salter *indicated dissent.*

Mr. Mitchell: Well, if my hon. Friend wants to tell me that fishing is damaging the environment, he is wrong.

Martin Salter: I shall certainly continue the exchange. Does my hon. Friend recognise that probably precisely the same speech was made in about 1988-89, just before the collapse in the cod stocks off Newfoundland? It is precisely because the fishing industry does not recognise the value of conservation, engages in overfishing and opposes steps to allow fish stocks to recover and replenish themselves that fishermen lost their jobs?

Mr. Mitchell: Fishing might have overextended its ambitions there, but that has nothing to do with this and nor has the conservation of cod stocks anything to do with this Bill. We are talking about the conservation of the marine environment. This is not a measure that deals with the conservation of stocks. Any attempt to impose that on this measure will defeat the measure, because it will alienate the fishing industry, which is an agent of conservation. We have a very changed fishing industry now; it is on a much smaller scale, it is much more based on sustainable fishing and, as I said, it is committed to responsible fishing. My hon. Friend, in trying to produce a gulf between his anglers, whom he has worked so hard to protect, and commercial fishing, is doing the whole issue a disservice, because their interests are very much the same. An interest in conservation is an interest in keeping fishing at a sustainable level in a sustainable way. That is what I am arguing today. He is making an entirely artificial distinction, which makes

[Mr. Austin Mitchell]

me take a detour from my main purpose, which is to argue for the interests of fishing. By that, I mean his kind of fishing, and my kind of fishing or Grimsby's kind of fishing—commercial fishing.

I return to these amendments, many of which are similar to those moved by the hon. Member for St. Ives (Andrew George), who is the vice chair of the all-party group on fisheries—I am its chair. Our interests are common and we work in the same way, except that he tends to run with the fishing fox and hunt with the conservation hounds. That is understandable, because he is a Liberal Democrat and, thus, naturally confused about his objectives. I do not think that we are sharply opposed, but it is difficult to have it both ways on this issue.

Andrew George: I caution the hon. Gentleman that it would be unwise to attack people who are on his side. In any case, he should recognise that the golden thread that runs through the amendments that I have tabled and that I am supporting is that the fishing industry should be properly represented at every stage. The problem with the Bill as drafted is that the socio-economic considerations may be considered only at the point of designation, and they will not be considered at the time of a report or the introduction of a conservation policy or byelaw. I simply want to ensure that there is consistency throughout the Bill. I am merely looking for consistency, not trying to run with different groups at different times.

Mr. Mitchell: I agree absolutely with the hon. Gentleman. I should not have made jibes; I am stirred to such anger and passion by my hon. Friend the Member for Reading, West (Martin Salter) that I am lashing out in all directions. That was very naughty of me and I think we should blame my hon. Friend, not me, for that.

As the hon. Member for St. Ives says, the designation and the management of the regimes associated with marine conservation zones will impose significant costs on fishing activities. They will vary according to the size, nature and designation of the zone, but the regulatory impact assessment estimates that impacts on fisheries will be worth between £157 million and £346 million over 20 years. That can be found in table 8 on page 34 of the impact assessment. That will be a significant cost for fishing and it cannot be right or fair, if those impacts on fishing are to be produced by the Bill, for fishing to be expected to bear those costs without some intervention from the Government.

The Bill as drafted does not place any obligation on Government to manage the losses resulting from such impacts or the loss of fishing rights. For that reason, I want a duty imposed on the Minister to manage and mitigate such effects on fishermen, because I think that it is important to the industry to give it such a guarantee. That is the basis of new clause 8. Amendment 44 is very similar and calls for estimated costs to be assessed. We need to know what the impact on fishing will be and what costs will be imposed on the industry by the fishing zones.

Amendment 24 concerns what is generally called the fishing defence. In other words, when accidental damage is done in the course of fishing—we do not advocate that deliberate damage could or should be done by fishing—there should be a defence on the grounds that the damage could not have been avoided, if a fisherman was acting responsibly and fishing within a zone under the provisions of the byelaws or conservation orders. We need a defence that protects against accidental damage for those who are fishing, which is a traditional activity that has always gone on in these zones and that is to a degree threatened by them. The measure will not protect in cases of intentional or reckless damage; it is merely a safeguard for those who are fishing in accordance with the existing fishing regimes and management plans should they cause accidental damage. Without that protection, fishermen might consider that the risks of fishing in a marine conservation zone are too great. Effectively, it could become a no-fish zone, adding to the huge restrictions that operate in areas around our coast. I would not want that to happen. Fishing needs some kind of guarantee and protection.

7.15 pm

Amendment 42, tabled by the hon. Member for St. Ives, echoes a number of amendments that I tabled less successfully. It says that there should be a level playing field between British and European vessels. That is an important principle. My amendments were probably rejected because those in the Table Office and their associated psychologists know that whenever the common fisheries policy is mentioned I froth at the mouth and become incomprehensible. To protect the House and to protect me, they did not select my amendments. They selected those of the hon. Gentleman and I am delighted that they did. We cannot have a situation in which British fishermen are excluded because an area is designated as a marine conservation zone whereas European fishermen—either because they have historical rights or because they are fishing under the basic principle of quotas allocated by Brussels and the basic principle of equal access to a common resource, which has been the ruin of the British fishing industry—and others can continue to fish. Such a regime could not be enforced—fishing would not accept it, and it would be disastrous.

I congratulate the hon. Gentleman on this amendment. He must have steeled himself up to a degree of anti-European enthusiasm that is uncharacteristic of his party—I should not make jibes, I am sorry; he does not need to respond. I congratulate him, because it concerns an important basic principle. I hope that the Minister can guarantee that any restrictions on fishing will not come into force until they apply uniformly to all fishermen, be they European or of other nationalities or be they British. We cannot have a regime that is enforced unilaterally on British fishermen.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Does the hon. Gentleman agree that the equal application of the law is fundamental to its respect? The situation that he is powerfully and rightly describing is likely to bring the law that the Minister is introducing into disrepute. For example, if Belgian beam trawlers are hoovering up fish on the edge of the 6-mile limit in an area that is a marine conservation zone, that will cause immense concern to fishermen if they are prosecuted for straying over the line.

Mr. Mitchell: That is absolutely correct. We have already seen the anger that was produced on the east coast when French fishermen came in and disrupted the

pots of fishermen from Scarborough, Bridlington and Whitby. I do not want a repetition of that, because it could lead to violence and would certainly lead to anger and disrespect for the law. I hope that the Minister can give us some guarantees on that situation. I know that it is a difficult one, because of the principles of the common fisheries policy, but it is still important that the principle of equal access to a common resource should not allow European fishermen to fish in our marine conservation areas when British fishermen cannot. That is a basic principle.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Is my hon. Friend aware that President Sarkozy, in July, announced his intention to designate 20 per cent. of France's territorial waters as marine protected areas, with half of them to be fishing free? Does he agree that it would be in the interests of British fishermen and women to have no-take zones in the areas where we have responsibility?

Mr. Mitchell: Yes, but I am not sure what follows from that. If fishing is to be totally excluded from the French conservation zones, I would not want it to be excluded from our conservation zones. I am not sure that there is a quid pro quo there, but both systems have to be treated the same, and fishermen in our areas must be treated the same as European fishermen. The basic principle is clear.

I come now to the masterpiece of my speech. I am glad that it has been so entertaining, but I am extremely concerned that the White Herring Fisheries Act 1771 should not be deleted, as proposed in the Bill, and I say that not only as an historian and natural defender of old—the Minister would say otiose—laws. He will note that opposition to the repeal of the Act comes from all sides of the House and from all parties that supported my amendment, and is strongly felt by the fishing industry. That is the most important point. We discussed the matter with the Minister, who told us that the law is irrelevant and that its repeal was part of the process of clearing the broom cupboard of unnecessary legislation.

Fishermen see the 1771 Act as a protection of their rights. It is an exciting Act; we should read it some time. It provides a legal right for British fishermen to use all UK ports and harbours, which is an important principle to maintain. It allows fishermen to draw their boats up on the beaches, which is particularly important in areas such as Hastings, where there has been friction about bringing the boats up on to the beaches. The Act provides the legal right for fishing vessels to use wasteland for storage purposes—all exciting stuff. Given that all the fishing organisations have argued against its repeal and want the Act maintained, I do not see that it is necessary to scrub it.

I ask the Minister to reconsider and to keep the white herring fisheries flag flying because of the importance attached to it by the fishing industry. I draw his attention to the fact that all parties in the House oppose the repeal. It is not appropriate that the Act should be repealed, given the rights that it gives to maintain access for fisheries around the coast. Keeping it would not contradict any other provisions of the Bill, so why not keep it?

My last amendment is amendment 15, which is very similar to amendment 41 tabled by my hon. Friend the Member for Aberdeen, North (Mr. Doran). He is a lawyer and I am not, so his opinion is likely to be more valuable, interesting and important than mine. I speak from a concern for fishing. He brings legal expertise to the matter. We want to exclude fishing from the list of restricted activities in the conservation zones. There is no reason why fishing should be on the list. Fishing is exercising its traditional right. Fishermen have always fished these areas.

The Bill is not about conserving fish stocks. It is about conserving the marine environment, which is not damaged—I repeat, for the benefit of Reading listeners—by fishing. It is conserved by fishing. It is therefore legitimate to exclude fishing from the restrictions imposed. That is what amendment 15 and, more eloquently, amendment 41 would do. If fishing needs a licence, as it does, it should be excluded from the restrictions imposed in marine conservation zones.

That is the list of amendments that I wished to speak to. The common thread, which will emerge in the next group as well, is a concern to clarify and sustain the interests of fishing, which has a real concern about conservation and should be mobilised for the Bill, not restricted and damaged by it. I know that my hon. Friend the Minister, who has consulted closely both with the industry and with the all-party fisheries group, has the interests of fishing at heart, but I would like him to give us assurances before we decide whether to withdraw or pursue the amendments. I do not want to be disruptive in any way. That is not my disposition.

We need to clarify and assert the interests of fishing. I hope the Minister can give us some guarantees against the anxieties that I have spoken about, and guarantees about the position of fishing. I trust my hon. Friend, who has done a brilliant job in consulting and carrying the industry with him. I hope he can give us some kind of assurances before we decide on the fate of the amendments.

Mr. Benyon: The amendments tabled by the hon. Member for Great Grimsby (Mr. Mitchell) are very interesting and, in some cases, very similar to those that I submitted about 30 seconds after he did. We will come to those later.

On new clause 8, the impact on the fishing industry is a fundamental consideration. Groups of fishermen that I have met over recent months have all been acutely aware that without the conservation measures that they are already implementing, such as real-time closures, targets on discards—in some cases, those targets have been extremely successful, although there is an enormous amount of work to do—and technical measures, the future of the industry would be far more bleak.

Marine conservation zones are a fundamental part of my desire for the grandchildren and great-grandchildren of the hon. Gentleman's constituents who are fishing today to have a job tomorrow, and to be able to do the important work that fishermen do in addressing issues such as food security, obesity, and healthy eating. It is vital that we address the concerns about the marine environment and ensure a long-term future for a variety of socio-economic activities, of which fishing is the primary one in our minds.

Mr. Cox: Does my hon. Friend agree that the demonisation of the fishing industry by some of those to whom I have been listening this evening is unhelpful

[Mr. Cox]

and unfair? In my constituency, the fishing industry has co-operated in maintaining the pioneering no-take zone around the island of Lundy, with which Labour Members may be familiar, for many years. The no-take zone has resulted in much greater amounts of fish for the inshore fishing fleet, so co-operation exists between the fishing industry and the marine conservation community. Is that not the model that we should follow, rather than the demonisation and polarisation promoted by some of the old-fashioned Members on the Labour Benches?

Mr. Benyon: I take my hon. and learned Friend's point. Let me be conciliatory. We should use the Lundy case as a basis. The "finding sanctuary" approach in the south-west is important. If we create no-take zones, or zones where the seabed is protected while fishing activity is allowed to continue higher up in the sea, and angling opportunities, which enhance tourism, we create a virtuous circle. It is a matter of getting the balance right.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I am listening to what the hon. Gentleman has just said. If we get it wrong, we end up with a self-perpetuating marine bureaucracy which rides roughshod over the wishes of fishermen and local communities, as I see constantly in the Outer Hebrides. The fear of what Scottish Natural Heritage is going to do, clamping down on the rights that people have traditionally held, cannot be allowed to grow any greater than it is.

Mr. Benyon: I entirely understand what the hon. Gentleman has pointed out—just as we can get this issue right, we can get this issue wrong. When I last checked, however, his party was actually in government in Scotland, so it needs to rein in the SNH, if the SNH is really driving his people out of business.

Huw Irranca-Davies *rose—*

Mr. Benyon: I shall give way to the Minister in a minute.

The hon. Member for Na h-Eileanan an Iar (Mr. MacNeil) has made the fundamental point that we have to get the balance right. If we do not do so, and if we do not involve fishermen at the very earliest stage of MCZ designation, we will fail, if only because such measures will fail the test of credibility.

7.30 pm

Mr. Austin Mitchell: *rose—*

Mr. Benyon: If the hon. Gentleman will allow me, the Minister wants to intervene, but I shall then give way to him.

Huw Irranca-Davies: I alert the hon. Gentleman to the fact that, during the Bill's development, there has been very good co-ordination throughout the UK. There are great benefits to that approach: we are signed up to UK high-level objectives; the marine policy statement will bind us together; and the engagement with my Scottish Executive colleague, Richard Lochhead, who has introduced the Scottish Marine Bill, which will tally with the Bill before us, has been very good. I take the point made by my hon. Friend the Member for Great Grimsby that we have to engage on the Bill at all levels with the fisheries industry, but the whole of the UK is signed up to the Bill.

Mr. Benyon: Rightly so. I look forward to meeting Richard Lochhead in a couple of weeks. It is vital that we balance the Scottish Bill with the Bill before us. It would be absurd if we did not, not least for border areas, where we will be trying to create synergies through the ecologically coherent network of MCZs that we are trying to establish. I now give way to the hon. Member for Great Grimsby, who has been very patient.

Mr. Mitchell: The hon. Gentleman has been very patient, although he has provoked many interjections. I rise to disagree with his initial point, which was that the marine conservation zones are a means of preserving fish stocks. They are not; they are a means of preserving the marine environment. Preserving fish stocks is not compatible with that objective, because fish stocks are migratory and that issue has not been dealt with. The industry's efforts, including square mesh panels, no-take zones and seasonal closures of grounds, are a means of providing sustainable fishing and nothing to do with MCZs, so we should not get the two mixed up. One is about the marine environment; the other is about the conservation of fish stocks.

Mr. Benyon: One benefit of the Lundy island case is that shellfish, for example, have increased in size and are more productive in areas just outside the no-take zone. There has been a benefit in terms of stock. In terms of marine conservation zones, we should identify the spawning beds of at-risk stocks. That is an entirely legitimate activity. This is an interesting debate, but perhaps we should return to the specifics of the new clauses and amendments.

Socio-economic factors are already a part of the designation process for MCZs, and we absolutely must not tip the balance too far in one direction or another; we should keep it structured between the demands of a socio-economic and legitimate activity, such as fishing, leisure boating and all the other important activities that support our coastal communities, and the needs of conservation. Equally, however, those needs must be credible to all sides, and we sought at every point to develop that balance in Committee.

Sometimes the balance will not be struck, so we need to work on the basis of best practice, and that is already under way. I recently met the chief executive of Natural England, and I sought reassurances from her about the process of designation. If Natural England is as good as its word, fishing communities will be at the centre of the process. My party and I see fishermen as part of the solution, not part of the problem. No one will hear me demonise fishermen—particularly not the coastal fleet, which, as one of the most sustainably minded groups of fishermen anywhere in Europe, is moving fast towards accreditation under the Marine Stewardship Council.

The hon. Member for St. Ives (Andrew George) has tabled an amendment that he will no doubt discuss. I am inclined to support its general thrust, because I understand the spirit of it. Clause 124 is really important, because it allows the Government, through a transparent process, to look at each MCZ and ask what it is designated

to achieve; what feature it seeks to protect, which may address some of the concerns expressed by the hon. Member for Great Grimsby; and, what should be done if it is failing to achieve that objective. One could argue that the clause is missing a requirement to state accurately how the success or otherwise of the management of a marine conservation zone is measured, however.

Clause 124(2) notes that the report that will be submitted annually must contain

"the conservation objectives which have been stated for the MCZ...the extent to which...the conservation objectives stated for each MCZ which it has designated have been achieved"

and

"any further steps which, in the opinion of the authority, are required to be taken."

I was impressed by the North sea regional advisory council proposal that very simple tests be applied to marine conservation zones. Broadly speaking, that means most of the Bill, but a little more, including: what we are seeking to protect; how our ability to protect a feature or species is measured; and, whether there is an exit route. I do not necessarily mean that we should dissolve an MCZ, although that option may have to be considered, but we may have to move one.

We know that a lot is happening in the North sea, including changes to sea temperatures, cod moving further north, the availability of cocopods at particular times of year and acidification, and we have to be fast on our feet to ensure that any conservation measures work. They have to be embedded in what fishermen already do, such as in real-time closures and other conservation benefits.

Mr. MacNeil: The hon. Gentleman mentioned what is being conserved, but the fishing communities in my constituency ask not only, "What is being protected?" but, "Who is it being protected from?" and, quite often, "What authority is doing the protecting?" The protecting authority's agenda can skew it quite markedly against the perceived group from which it seeks to do the protecting. Sadly, that often means a skewed view of fishermen and of fishing activities. Rather than take that approach, we should all look to support and protect fishing rights, as the hon. Member for Great Grimsby is trying to do.

Mr. Benyon: The hon. Gentleman makes a good point. In a recent European Committee sitting, I was amazed to read "success" and "common fisheries policy" in the same sentence. It was an act of audacity which left me breathless. I would not have started from this point, but what we try to achieve must be linked at every stage with CFP reform. I know that the Minister sees that, and, from my conversations with Commissioner Borg, I certainly think that he gets it, because in my last meeting with him he referred to the CFP as a "disaster". I shall no doubt be accused of breathtaking naivety to believe that CFP reform is possible, but I really believe that it is, because, with the growth of the European Union, the CFP cannot continue in its current form.

I shall return to the case in point, because this aspect of the Bill is about nature conservation, fishermen and conservationists. Both groups understand that fishing activities have to change in certain areas if we are to achieve a sustainable future for our fisheries. We agree that the impact on the marine environment and on the recreational fishing industry should be considered when implementing MCZs, but enshrining that point in the Bill might water down the environmental thrust of MCZs and, ultimately, threaten the industry, too.

The hon. Member for Great Grimsby made some interesting points on amendment 24, but I repeat my argument that altering the Bill in that way would allow the irresponsible few to damage the future of our fisheries. However, the vast majority of our fishermen would not do that. MCZs are being introduced for a reason, and some of them will be no-take zones. Such zones will need to be flexible and subject to change if improvement occurs, and they absolutely must be upheld where they are needed.

I look forward to hearing from the right hon. Member for Scunthorpe (Mr. Morley) about his amendment, which comes at the issue from another direction. It is very much from the left side—not politically, but more in the football context. I believe that the measure would disadvantage our fishermen by making the sea fisheries defence apply only to UK vessels. A balance is needed here. Irresponsible fishermen need to be held to account, and responsible fishermen, who want a sustainable future for our seas as much as the conservationists, should not be unduly punished. The last thing that I want us to do is impose measures that protect the seas only from our fishermen and allow others to fish in our waters.

David Davis (Haltemprice and Howden) (Con): I find myself in the unusual position of coming from the left field, as my hon. Friend describes it, because I cannot see how what he has just said—that we must have some MCZs that are effectively no-take zones—is consistent with having an absolute sea fisheries defence. Surely, those ideas are not consistent. Can he lead the debate on how these issues could be dealt with through the development of the common fisheries policy in the reforms of the next few years?

Mr. Benyon: Looking at you, Mr. Deputy Speaker, I see that I shall have to use my words carefully to keep them relevant. The reform of the CFP, which has to run parallel to our attempts in this Bill, is vital. The European Commission's green paper talks about having much more localised control and about pushing power down, away from the micro-management that has failed at every stage, toward a much more devolved power. In that way, local people such as fishermen could take responsibility for the management of their industry and say, "These are the measures we are going to bring in; we are going to get Marine Stewardship Council accreditation; these are the technical measures we are going to adopt; this is our target for discards; this is the market we are going to produce; and these are the relevant organisations—the scientific bodies and the university—we are dealing with." That would allow fishermen to take back control of their industry. There is a direction of travel in the EU's green paper. I am sure that in thinking that the CFP can be reformed, I will be open to all sorts of accusations, such as that I am showing breathtaking naivety, but let us give it a crack. We have to achieve our aims by 2012, and the direction of travel is very much in our favour.

Mr. Austin Mitchell: I want to help the hon. Gentleman, because he is fishing for flounders at the moment. It is interesting to hear such a staunch defence of the CFP

[Mr. Austin Mitchell]

from the Opposition Front Bench, given that we have rightly heard nothing good about it before now. If he does not earn the trust of fishermen, because they have inflicted on them the consequences of accidental damage in MCZs, and if he will not allow for the fishing defence that my amendment proposes, he will not have a working co-operation with them by which to enforce the rules that he wants to enforce.

Mr. Benyon: I am grateful to the hon. Gentleman for giving me this opportunity to say that I have not at any stage supported or praised the CFP. Indeed, I have nothing but contempt for it, because it has failed to conserve fish or enhance the fishing industry. I want a very different policy to emerge from this process. I suggest that the hon. Gentleman should read the Bill. If I may say so, for someone who is so experienced in these matters, he betrays an ignorance about what the Bill is intended to achieve.

As I have said, I am not in the game of demonising fishermen, and I believe that they have an important role to play in marine conservation. However, I am concerned about the irresponsible, dishonest few who do not understand the damage that unsustainable fishing practices are doing to our planet. It is the activities of those individuals that the Bill must address, not those of law-abiding people or of people who, through no fault of their own—perhaps because of the weather—find themselves fishing in an MCZ. There should be measures in the Bill to protect them, and I urge the Minister to read the relevant clause. I would prefer to see this matter addressed as part of the CFP reforms in 2012. That seemed to be the direction of travel that the Minister was taking in Committee, and I seek his reassurance that that is still the case.

7.45 pm

On Government amendment 5, I note that we raised concerns in Committee about the sea fishing defence. The amendment gives reassurance that the Minister will address the loophole. We are glad that the loophole is being addressed, so we support the amendment.

We agree with the sentiment of amendment 42, but we also have concerns. Foreign vessels should be subject to the same rules as UK vessels. We are bound by the CFP in this area. This is an important issue, and there are legal issues to consider. We need to push this matter in relation to CFP reform. If the conservation measures in the Bill are to be truly effective, we must ensure that they are respected by all vessels operating in this area, whether foreign or UK.

I support the sentiment behind the hon. Member for Great Grimsby's amendment 17, which is very similar to one that we had tried to introduce, regarding the fascinating White Herring Fisheries Act 1771. In the interests of rationalising legislation, the Bill will repeal that law along with a number of others. He has rightly referred to Hastings. I was in Hastings all day on Thursday to hear about the level of crisis in the community, and about how people are clinging on by their fingernails. Hastings has the largest beach-launched fishery in Europe, and those people want to know that the Bill provides for them. The 1771 Act provides British fishermen with the legal right to use all UK ports and harbours, allows fishermen to draw their boats up on the beaches and provides fishing vessels with the legal right to use wasteland for storage purposes. For the sake of rationalising legislation, it is not appropriate to repeal the 1771 Act, given the rights that it affords to maintain access to fisheries around the coast. Furthermore, maintaining that legislation is not contrary to any other measure in the Bill. No other part of the Bill extends the statutory rights that would be lost, so the proposed repeal should be withdrawn.

The hon. Gentleman's amendment 15 and our amendment 36 try to achieve the same thing, so although we might disagree on some things, we agree on others. At this late stage in the Bill's passage, the Department for Environment, Food and Rural Affairs has suggested that clause 66(1) would apply to fishing activity. This issue is an important concern for fishing communities. The right to fish in the UK is a public right, and its exercise should not require, constitutionally, a licence. If it does not require a licence, it cannot subsequently be exempted under subsection (3). To avoid any doubt, the non-application of this measure to a fishing activity must appear in primary legislation. If anyone is worried that I am asking for a completely de-regulated fishing industry, that is not what I am saying. In any event, the ability to deploy fishing gear is strictly controllable through other legislation. To apply this measure to it as well would mean that fishing boats having to comply with two licensing regimes, which would complicate, rather than streamline, licensing for fishing.

Mr. Frank Doran (Aberdeen, North) (Lab): Now that I am rising to speak, I think that we are to hear a full set of office-bearers from the all-party fisheries group, as the hon. Member for Truro and St. Austell (Matthew Taylor) will probably speak later.

For those of us who represent fishing communities, it is important that we protect and argue for our industry, and we must make it clear—I am sure that my hon. Friend the Member for Great Grimsby (Mr. Mitchell) takes the same view—that we welcome the Bill. It is important to get it right, but we must also take account of all the stakeholders, the key stakeholders being those in the fishing industry. I was interested to hear the comments of my hon. Friend the Member for Reading, West (Martin Salter), who tends to put a lot of vitality into all the campaigns that he fights. I appreciate that. However, Reading is a long way from having a fishing industry and a real understanding of how it operates.

I was interested, too, to hear the measured approach taken by the hon. Member for Newbury (Mr. Benyon), which is a welcome relief from what we are used to hearing from Conservative Front Benchers in any debate involving the fishing industry: basically, a call for UDI—a unilateral declaration of independence from Europe. I think that we all share the same view on the CFP, which has not been good for the industry anywhere in Europe, and far less here in the UK. However, their previous position was not sensible, and I am pleased that they are moving towards a much more appropriate one.

I wish to speak principally in support of amendment 41, which I tabled, and amendment 17, which I signed, but also in support, more or less, of my hon. Friend the Member for Great Grimsby. I do not foam at the mouth when the CFP is mentioned, as I hope to make clear.

Mr. MacNeil: I would like to speak in support of the hon. Member for Great Grimsby (Mr. Mitchell) and against the CFP. The hon. Gentleman has mentioned

the CFP a couple of times. He refers to its shortcomings, yet I understand that he is supportive of it. What does he want to do to limit its effects on fishermen? Would he support an extension of national control up to 199 miles, thereby rendering the CFP effectively useless? What is his approach to tackling the problems and injustices of the CFP, or does he just complain about it and leave it exactly as it is?

Mr. Doran *rose—*

Mr. Deputy Speaker: Order. I hope that the hon. Gentleman will resist the temptation to lead us into a full-scale debate on the CFP, which would take us very much off-centre as regards this group of amendments.

Mr. Doran: I appreciate your point, Mr. Deputy Speaker, but I would just point out that the hon. Member for Na h-Eileanan an Iar (Mr. MacNeil) has only just arrived in the debate and that I did not say anything suggesting that I supported the CFP, which has failed the British industry. The Government, now with the support of the Opposition, are well on the way to dealing with the issues. Negotiations in Europe are the way forward.

In speaking in support of amendment 41, I want generally to try to ensure that the interests of the fishing industry are properly taken account of. My amendment links the Sea Fish (Conservation) Act 1967 with the Bill to underline the fact that the industry already has its own licensing system. There is a huge amount of bureaucracy. I get the Scottish Fishermen's Federation diary every year, and the first few hundred pages are taken up with the rules—all the legislation—that the fishing industry has to comply with. It is a very complex area, and one that I would have been reluctant to tackle in my own days as a legal practitioner. The industry has its own licensing system, it is heavily policed and controlled, and it is subject not only to UK legislation but to EU directives under the CFP.

Clause 66 looks as though it will impose another layer of licensing on top of that which already exists. I do not know whether it is possible to find some compatibility with the 1967 Act, or how the problem could be mitigated beyond excluding the fishing industry in the way that I and others have suggested. For centuries, fishing has been seen as an essential public right. Now that the industry is so heavily policed and controlled under our own UK licensing regime and European law, there is a heavy weight of regulation, and in these difficult times it does not need any more. The industry is important to the economy, particularly to rural communities around the country where fishing and fish processing are vital to the stability of the community. It needs more certainty, not less, and that is what it is looking for.

I hope that the Minister, and those of my colleagues who are on the other side of this argument, will understand that, certainly in Scotland, where my main experience lies, there has been a huge shift in the attitude of the fishing industry towards more sustainable methods of fishing and an industry-wide recognition that protecting the environment is crucial to the maintenance of fish stocks. There is strong support from the industry for the Bill and for the equivalent legislation that will be produced in the Scottish Parliament. The industry wants to be part of the process that protects the marine environment, which will be strengthened by the Bill. I hope that the Minister can spell out exactly how industry interests will be met in the operation of marine conservation zones.

My hon. Friend the Member for Great Grimsby mentioned my legal background in referring to clause 229, which is a standard repeal clause. As a lawyer, I will be pedantic and dig into it a little. At first sight, the repeal of any Act from the 18th century would appear to be a necessary tidying up. However, the Scottish Fishermen's Federation, having taken legal advice, has come to the strong view that the White Herring Fisheries Act 1771 should be retained. In its view, it gives fundamental rights to fishermen: the right to fish and various others. I got myself a copy of the statute, or the bits of it that are still in force, and—this is where I get pedantic—compared it with an Act of the old Scottish Parliament: the Fisheries Act 1705. The old Scottish Acts were fascinating in the way they linked in with the ordinary workers and common people. In the 15th and 16th centuries, those that related to the masses started off with the wonderful expression: "For the safety and favour of the puir folks that labours the ground". The 1705 Act does not use those words, but it is interesting to read the first sentence:

> "Our Soverign Lady and the Estates of Parliament taking to consideration the great and many advantages that may arise to this Nation by encouraging the Salmond White and Herring fishings they being not only a natural and certain fund to advance the trade and increase the wealth thereof but also a true and ready way to breed seamen and set many poor and idle to work".

That sounds like a piece of legislation from the 1980s. *[Laughter.]* Interestingly, the same justification, using different language, appears in the 1771 UK statute, but it is limited to the white herring fisheries. I checked, as far as I could, to see whether the 1705 Act was still in force, and I was told by the Library—the information also appears on the UK statute law database—that it is.

I am not sure whether that complicates matters or makes things easier. However, as there is to be Scottish legislation, it may be appropriate for the Scottish Parliament, if it so chooses, to repeal the 1705 Act. The old Scottish Acts have rules that do not apply in the UK. For example, an Act that is obsolete can be put through a process called desuetude, which effectively repeals it. That needs the authority of the courts, but it can be done. I suspect that the Scottish Fishermen's Federation is making the same appeal to the Scottish Parliament that it is making to me and to others, but it is unlikely that the Scottish Parliament will want to repeal the 1705 Act. That may lead to a situation whereby fishermen north of the border have a statutory right to fish, to land their boats on the shore and all the other rights that the Act gives to fishermen, whereas fishermen in the rest of the UK will not have that right because the 1771 Act has been repealed. That may be a bit more of a grievance for the fishermen in Hastings, for example, than to those north of the border.

I hope that the Secretary of State will try to clarify the situation. Those two Acts are still in force, and because his legislation does not attempt to repeal the 1705 Act we will be left with a different set of rules on either side of the border.

8 pm

Andrew George: I beg to move amendments 18, 23 and 42—

Mr. Deputy Speaker: Order. The hon. Gentleman does not have to move them. It is only if he wishes to press them at the end of the debate or at the appropriate time that he will be called upon to move them.

Andrew George: I am grateful to you, Mr. Deputy Speaker, for your advice. I did not want to miss the opportunity and later find out that I should have moved them at this point. It was a belt and braces approach.

As I said in an intervention on the hon. Member for Great Grimsby (Mr. Mitchell), I am keen to ensure that there is a common thread—a golden thread—of balance between social, economic and environmental factors in the Bill. The Minister keeps coming back to that balance. That theme should run through the Bill from start to finish.

Some of the hon. Gentleman's opening remarks and some of his exchanges with other Labour Members presupposed that fishing and marine conservation must necessarily be in conflict, but I do not think that needs to be the case. I do not know whether he is perhaps seeking conflict where there need not be any. Part of the problem in the past has been that the fishing industry has been seen as something of a macho trade and marine conservation as rather effeminate and quite different. However, it is interesting and significant that over the past 10 to 15 years, the fishing industry and the environmental movement, for want of a better expression, have come together. Scientists and fishermen have worked together to understand each other a great deal more, help each other and find a way forward that is good for both marine conservation and sustainable fishing.

Mr. Austin Mitchell: I agree with the hon. Gentleman on that last point. The fishing industry and conservation groups have come much closer together, which is why the fishing industry feels a bit let down by the obsession with controlling fishing in marine conservation zones.

In response to some of my hon. Friends, I am not saying that fishing is not about marine conservation. Of course it is—it is the industry with the most interest in conservation. However, the patchwork quilts of marine conservation zones are not an appropriate way of controlling fishing effort or catches.

Andrew George: That is an important point, but there is a shared interest in ensuring that there are controls on activities in certain marine areas. On some occasions there may be a shared interest in protecting both the marine environment and the future sustainability of the fishing industry. I often give the classic case in point of the Trevose ground, off the north coast of Cornwall and Devon, which is closed each year in the spawning season between January and April. That initiative was driven by the fishing industry, which effectively said, "Please save us from ourselves. If we do not collectively agree that we must not plunder the stocks, we won't have many stocks in years to come." Increasingly, fishermen are engaging much more constructively with marine conservationists and scientists to find means by which medium and long-term sustainability goals can be pursued.

Mr. MacNeil: The hon. Gentleman mentions MCZs. Can he envisage a time when fish are protected from creatures such as seals, and when some limitation by whatever method might be put on seal numbers in some areas?

Andrew George: There will increasingly be an opportunity, particularly under the IFCAs, to recognise that there is a balance between the range of predators and the stocks in any area. That balance may well involve some difficult questions, and perhaps unpalatable answers, about creatures that are in too great abundance and are predating upon vulnerable stocks.

Martin Salter: I congratulate the hon. Gentleman on his bravery in attempting to tackle the matter. Will he inform the House of his preferred method of culling seals?

Andrew George: I was encouraged down a route that was not part of my speech, which I shall return to.

Before I turn to the amendments that I have tabled, I wish to speak to amendment 17, which I have signed. I remind the Minister that, in Committee, I urged him to review the decision to annul the White Herring Fisheries Act 1771. As a result, we entered into correspondence. He wrote to me on 8 July, I responded on 31 July and he wrote again on 4 September, giving further explanations of the background to annulling the Act.

The hon. Member for Aberdeen, North (Mr. Doran), as a lawyer who has obviously studied the Act in great detail, articulated his arguments far better than I possibly could. All I say to the Minister is that, quite apart from the clear technical arguments that the hon. Gentleman advanced very well, erasing the Act does not pass the "what harm" test—what harm is there in leaving it in place? Nor does it pass the "what hurry" test—what is the hurry to get this done now? The correspondence that I have had with those in the fishing industry who are keen to keep the 1771 Act extant suggests that they believe that elements of that rather ancient-sounding Act are relevant today. The Minister denies that, but I say to him that in any case it is doing no harm and there is no hurry to remove it.

I turn now to the amendments in my name. The purpose of amendment 18, to clause 124, is to establish the balance that the Minister has said he wants to achieve. Subsection 2(e) and (f) state that the regular report that the MMO will produce must refer to

"the extent to which, in the opinion of the authority, the conservation objectives stated for each MCZ which it has designated have been achieved"

and

"any further steps which, in the opinion of the authority, are required to be taken in relation to any MCZ in order to achieve the conservation objectives stated for it."

To balance the conservation objectives with socio-economic considerations, which are after all to be acknowledged at the point of designation, it seems appropriate for some attempt to be made to assess in the report the impact of policies in MCZs on the socio-economic vitality of the coastal communities affected. The amendment would dovetail with the rest of what is proposed for the report by adding that it must mention

"the extent to which, in the opinion of the authority, the operation of the MCZs have had an impact upon the marine economy in general and the commercial and recreational fishing industry in particular".

I think that that would be a reasonable amendment. It would simply establish a balance that the Minister told the Public Bill Committee that he wishes to achieve, and that I believe we all wish to achieve. There is an opportunity for the Minister to accept the amendment.

The purpose of amendment 23 is slightly different. A number of conservation bodies are concerned about the fisheries defence. I think that they have a justification for their concerns because, as the provision is drafted, the defence could be used by some in the fishing industry who are less reputable—the vast majority do not do this—and who might not go about their trade in an MCZ or around a feature that we are seeking to protect with the care that we would hope for.

The Minister and the Secretary of State, through Government amendment 5, are proposing that at some point—I think the Minister suggested quite soon after the Bill becomes an Act—the fisheries defence will simply be removed. I propose a tightening of the Bill. Clause 141 states:

"It is a defence for a person who is charged with an offence under section 140 to show that...the effect of the act on the protected feature in question could not reasonably have been avoided."

Under the Bill, it is incumbent on the enforcement body to disprove the defence. I am proposing that a fisherman would need to demonstrate a three-pronged, higher hurdle of proof to be able to use the fisheries defence as effectively as the Minister is seeking to achieve.

The purpose of amendment 42, which the hon. Member for Great Grimsby clearly supports is, as it says, to achieve "equal treatment". The last thing we want to do as a result of the Bill—the Minister has perpetually reassured those of us who have raised the issue—is tie the hands of UK fishermen and allow fishermen from other nations, including EU nations, to be able simply to plunder the fish stocks in areas to which UK fishermen have effectively been told they cannot go and fish. If that is not achieved as a result of the Bill, it would undermine its authority and the support for it.

Sir Alan Beith (Berwick-upon-Tweed) (LD): May I put it this way to my hon. Friend? It would be irresponsible to designate an MCZ if it was known that it would be open to access to trawlers from other countries, when access to the UK fishing industry is denied. That result cannot ever be seen to be the intention of Parliament.

Andrew George: My right hon. Friend is absolutely right. Such a situation would not only undermine the authority of the UK agencies responsible for enforcing the Act, but it would not actually save any fish or the marine environment. All we would be doing is stopping UK vessels doing something that all other vessels would be able to do in any case. We would have achieved nothing at all. It would simply undermine the authority of the Act itself. I hope that the Minister reflects on that. If he does not accept amendment 42, I hope he will table a Government amendment that will achieve the same object.

The hon. Member for Newbury (Mr. Benyon), who is no longer in the Chamber, said that there were legal reasons why such an amendment could not be introduced, but I do not think that we are proposing to apply laws to EU vessels that are not lawful under European law. We are simply trying to achieve a situation in which we do not constrain UK vessels in a way that we cannot constrain their competitors around the UK coast.

I hope that the Minister will reflect on those amendments. Their purpose is to achieve a balance and to recognise that the assumption that there is ongoing conflict between fishermen and conservation bodies is simply not the case. Increasingly, over time, they are working together. I think we should be trying to achieve that through the Bill.

8.15 pm

Mr. Elliot Morley (Scunthorpe) (Lab): I very much welcome the progress that has been made on issues such as the fisherman's defence since I spoke on Second Reading. I congratulate the Minister and Committee on the work that they have done. He has clearly listened to representations and there was clearly an effective debate, demonstrating all that is effective in the Committee system.

My proposals would deal with some of those problems and strengthen the Bill. I particularly wanted to speak about inshore limits and to seek clarification from the Minister, who has moved a considerable way on the matter. I accept many of the points made by the hon. Member for St. Ives (Andrew George), in that there should be no contradiction between the fishing industry and effective marine conservation, which have shared interests.

There are good examples of what the fishing industry has done in recent years to improve marine conservation. Certification schemes such as the marine stewardship scheme have grown, and a lot of the big retailers, including the Co-op and Marks & Spencer, take the issue of sustainable fisheries very seriously. Wholesalers such as Young's seafood group, which is based in the constituency of my hon. Friend the Member for Great Grimsby (Mr. Mitchell), have a good record on the issue. That has spread through to the fishing industry, which I think has recognised that it is in its interests to work with conservation groups and conservation policy. The Isle of Lundy, which has been mentioned, is a good example of that. Fishermen have benefited from, for example, larger shellfish and increased catches. There is no contradiction in the principle.

I was concerned, as were groups such as Wildlife and Countryside Link, that the fisherman's defence was far too widely drawn. My hon. Friend knows as well as I do that one attractive thing about people in the fishing industry is that they are open and honest when they talk about things in detail—they will be quite open about some of the extremely damaging, and in many cases illegal practices, within the industry. They generally point to the other fishing point down the road and say that the fishermen there and not they are involved in such practices.

Mr. Austin Mitchell: Up the road.

Mr. Morley: Or up the road. Nevertheless, we cannot ignore the fact that if we are not careful, we will leave loopholes that will be exploited.

As has been said, this is an exciting Bill and I have been very keen on it for a long time. I know how difficult and complicated it has been to introduce—it has been a lot more complicated than many people understand. It is a great tribute to the Government and the Department that they have managed to make progress with the Bill and that it is heading towards the statute book with such widespread support. I very much welcome that.

[Mr. Morley]

The issue is how we can ensure that there are no loopholes that can be exploited. We also need to ensure that British fishermen are not discriminated against. It is not acceptable to have measures in place that apply only to the UK fleet and not to other EU or non-EU fishing boats. As the Minister knows, we have absolute control within the inshore limit of 6 maritime miles. One could argue that the defence in clause 141(4) does not need to apply up to the 6-mile limit because there can be no discrimination within that area. The Minister will say that that point can be addressed through the new IFCAs, and indeed it can. We have an opportunity to establish some really good examples of sustainable fisheries management within the 6-mile limit, and the inshore fleet has led the way by, for example, using creels to catch prawns—which is much less damaging than trawling—and hand-lining, which is much more selective than many other forms of fishing. We have seen some tremendous examples of good conservation by the sea fisheries committees on shellfish, which were agreed by the inshore fleet. We have a real opportunity and I hope that my hon. Friend the Minister will take the opportunity to emphasise that this is something that the IFCAs could do.

Within the 6 to 12-mile limit, some non-UK vessels have historical rights in those waters. I am very concerned about the exploitation of loopholes, but I do not want to see our vessels in those areas being discriminated against by having to comply with measures that do not apply to non-UK vessels. For example, there are long-running tensions in the sole fisheries and conservation areas, and this Bill may provide opportunities to address those problems. Can the Minister explain how the Bill will work within the 6 to 12-mile limit, where we do not have exclusive competence? The Commission itself recognises that we need these measures, and we have heard from other hon. Members that other countries are introducing their own measures on marine conservation zones, and that is right.

As has been said several times, we need to achieve the right balance between protecting the marine ecosystem and recognising the existence of the fishing industry and the jobs and economic activity that accompany it. The Minister is moving towards finding the right balance, but if it is not right, people will exploit the situation through legal challenges or by making excuses for damaging activities. We must also be fair and even-handed so that our fishing industry is not unduly discriminated against. I think that we are going in the right direction and I seek further assurance this evening.

Mr. Walker: I listened to the hon. Member for Great Grimsby (Mr. Mitchell) with great interest. I did not agree with everything that he said, but I did agree that our fishing industry has been extraordinarily badly served by this House and the common fisheries policy. Of course, the interests of commercial fishermen and of recreational fishermen should be convergent, but that is not always the case.

There is also a flaw in marine conservation zones, because they may create great strife and angst if UK fishermen have to sit on the sidelines watching EU vessels merrily trawling through them. That would be an absolute disaster and make a mockery of what we are trying to achieve here—

Huw Irranca-Davies *indicated assent.*

Mr. Walker: I am sure that the Minister will provide us with great comfort on that point in the future.

Marine conservation zones are critical if we are to preserve and conserve fish stocks. Everyone here is a conservationist—we want to see healthy fish stocks and a flourishing commercial fishing industry. I want to see a flourishing recreational fishing sector as well—I declare my interest at this point—because it is an important contributor to the economy. I know that the hon. Member for Reading, West (Martin Salter) will address that issue later.

We must ensure that commercial fishermen understand that this is not yet another attack on them. However, a marine conservation zone that allows commercial fishing is not a conservation zone—it is just another fishing zone. So I am not entirely clear about the argument on that point. However, let me also reflect on the point made by my hon. and learned Friend the Member for Torridge and West Devon (Mr. Cox), who said that commercial fishermen have been responsible for very successful innovations to protect and safeguard fish stocks. He mentioned the case of Lundy, and that is an example of best practice. The right hon. Member for Scunthorpe (Mr. Morley) mentioned innovative new methods of shrimping and catching scallops. Several commercial fishermen are trying different net meshes to ensure that non-target species can escape and do not end up as by-product, which too often is thrown back into the sea for seagulls—a crying shame.

I am worried about the fishing defence. I would have thought that all damage caused by commercial fishermen would be accidental. I cannot see commercial fishermen setting out to cause deliberate damage, but we know that there are certain trawling methods that cause significant damage to the sea bed. There are also forms of fishing that take a high number of non-target species. Yes, that is accidental damage, but it is damage, and that is what we are worried about. We need to find a sensible way forward that allows nursery areas to flourish and lets us restock our inshore waters with bass and other important fish. We also need to ensure that in the medium to long term our commercial sea fishermen see the benefit of the Bill.

I repeat that we have served them badly over the past 30 to 40 years. The CFP affects all fishermen in Europe, but our fishermen used to enjoy the richest fishing grounds and our industry used to employ many hundreds of thousands of people, not tens of thousands of people. Over the past 40 years, we have left far too many fishing families high and dry. I do not want to be a rabid anti-European, because it is not in my nature to be rabid about anything, but I hope that a future Government—whether Labour or an incoming Conservative Government—get to grips with the CFP so that it works in favour of our fishermen more than it does now.

Ms Angela C. Smith: You will not hear me demonising fishermen this evening, Mr. Deputy Speaker, for although I come from generations of steel and coal families on my mother's side, on my father's side I come from fishing families from the port of Great Grimsby. I therefore understand, perhaps more than most, how important fishing has been to the livelihoods of families down the generations, whether we are talking about

fishing in the Arctic circle, which my father did in the late 1950s, or working in the fish processing factories that my hon. Friend the Member for Great Grimsby (Mr. Mitchell) mentioned. Ross, Young's Seafood, Findus, Birds Eye—you name it, it has been in Grimsby.

For some time, the existence of towns such as Great Grimsby has depended on the fishing industry. The town of Great Grimsby was the world's premier fishing port and, it has to be said, it was bigger than Hull's fishing port.

Mr. Austin Mitchell: And better.

Ms Smith: Indeed, but now it is the ex-premier. Grimsby benefited in the 1950s and 1960s because of a no-take zone, which was established because of the second world war. Between 1939 and 1945, fishing operations were suspended in the North sea and the Arctic circle. The fishermen of Grimsby were employed in minesweeping and dangerous war operations that involved sailing small boats under German radar into Norway, and so on. They did that work only because the Royal Navy could not do it, being unable to take the sea conditions that it involved. That gives hon. Members an indication of how dangerous fishing is, especially in the conditions out in the Arctic, and why it is probably the most dangerous occupation in the world. Nobody knows better than I do about the realities of fishing and what it involves.

8.30 pm

However, in the '50s and '60s the healthy stock in the North sea was exploited to the nth degree. Indeed, the fishermen were also heavily exploited, thanks to the greed of those companies that were trying to make the most of the stocks available. I therefore disagree with the hon. Member for Broxbourne (Mr. Walker) that this House is entirely or perhaps even largely to blame for what happened to the fishing industry. To some extent we have to blame the conglomerates and the owners of the fishing industry, who took the fish out of the sea and drove those men to the extremes of their occupation in order to get as much fish as possible on the quayside in Grimsby and Hull in the '50s and '60s. We all know the consequences of those actions. In some cases those actions were piracy. Indeed, one of the skippers in Grimsby was arrested for piracy over in Iceland in the 1960s—he came to a sticky end, although not at the hands of the Icelanders. That shows the level of exploitation of the industry, and we live with the consequences even now.

More than anything else, the story of what happened to trawling in places such as Grimsby indicates why we have to take forward some of the measures in the Bill. We have to strike the right balance between marine conservation and sustainable fishing. That is the core of what we are trying to do. I agree entirely with what the hon. Member for St. Ives (Andrew George) said about an increasing understanding between the industry and the conservationists. In fact, their interests are completely compatible. They can work together to ensure that there is a future fishing industry and, equally, that the marine environment is not exploited as it has been in the past.

None of the amendments before us addresses the key issue, which is the incorporation into the Bill of the defence against damage to the marine environment. I understand entirely why that defence cannot be taken out, because of the 6 to 12-nautical mile limit, which involves the rights of European vessels to fish in our waters, and the rights of our fishermen within the nought to 6-nautical mile limit. I understand the Minister's argument that taking action on that limit runs the risk of damaging our domestic fishing industry while giving European vessels the right to run riot in our marine environment. I therefore understand the Minister's position on one level.

The way forward is reform of the common fisheries policy in the 2012 negotiations, as the hon. Member for Newbury (Mr. Benyon) outlined from the Front Bench, to deal with the 6 to 12-mile limit. However, on the nought to 6-mile limit, I would appreciate some remarks from the Minister about the possibility of issuing guidance from the legislation on using existing byelaws to protect our precious marine environment not just from reckless damage but, where necessary and on a case-by-case basis, from accidental damage.

Mr. Alan Reid (Argyll and Bute) (LD): I represent a constituency where fishing is still an important part of the local economy. Fishermen support the Bill. They fully recognise the importance of conservation, and they support the Bill because it sets out a path for sustainable protection of the marine environment and a coherent management structure. However, fishing organisations have one or two concerns.

I start by referring to an 18th century Act to which reference has been made tonight—the White Herring Fisheries Act 1771. Fishermen and fishing organisations feel strongly about preserving the Act because it sets out basic rights that have existed for more than 200 years. I support amendment 17, tabled by the hon. Member for Great Grimsby (Mr. Mitchell), and to which I am a signatory.

The Government's case is that the Act is obsolete. If it were, it would make sense to repeal it, but the problem is that it may come to light that it is not obsolete. It provides basic rights to fishermen, and they feel strongly about it. It gives fishermen throughout Great Britain rights that do not seem to be replicated in other statutes. It gives them the legal right to fish the British seas, subject to complying with subsequent regulations, such as the common fisheries policy and British licensing regulations. It also gives them the right to use all British ports and harbours, subject to payment of harbour dues. Without the Act, private interests could exclude our fishermen from their harbours.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the hon. Gentleman agree that if the Act is obsolete, keeping it on the statute book does no harm? If it is not obsolete, it is useful to have it. Why do the Government always tidy things up in this nannying way, which is most trying? Would it not be possible on this occasion for them to learn that a bit of untidiness does a lot of good?

Mr. Reid: I wholeheartedly agree with the right hon. Gentleman. I was coming to that. If the Act is obsolete, there is no point in repealing it. If it is not obsolete, it should be kept on the statute book.

As well as rights to fish and to use ports and harbours, the Act gives fishermen the right to draw their vessels up on beaches, and to use uncultivated land in a 100-yard

[Mr. Alan Reid]

strip above the high water mark for fishing purposes, subject to any other legislation in force. The National Federation of Fishermen's Organisations and the Scottish Fishermen's Federation are adamant that only the 1771 Act gives fishermen those rights throughout Great Britain. As the hon. Member for Aberdeen, North (Mr. Doran) said, the Scottish Fisheries Act 1705, gives rights in Scottish waters, but the 1771 Act is the only one that gives rights throughout Great Britain.

Legal advice to fishermen's organisations is that when the 1771 Act was passed, "white herring" referred to all sea fishing and not just fishing for white herring. By inference, it has continued to apply to all forms of sea fishing that have existed at any time thereafter. The courts have always interpreted the Act as applying to all forms of fishing, not just white herring fishing. When it was passed, it was intended to apply to all forms of fishing, which is how it has always been interpreted. As hon. Members have said, keeping the 1771 Act can do no harm, but repealing it could cause great damage to the fishing industry because of the law of unintended consequences.

I hope that the Minister will assure the House that the rights given to fishermen by the 1771 Act will be preserved by other enactments. If he cannot quote other enactments that give fishermen those rights, I hope that he will accept amendment 17, and keep the 1771 Act on the statute book. If it is repealed, we may find later that unintended consequences result in fishermen losing rights to fish the seas, to use harbours, or to lay up their boats on beaches.

I want to refer to another theme of the Bill that other hon. Members have also mentioned: equality of treatment for our fishermen and other EU fishermen. There would be absolutely no point in declaring a marine conservation zone between the 6 and the 12-mile limit, only to find that our own fishermen were excluded from it, while fishermen from all other EU countries were able to fish there. It is a flaw in the Bill, which the Minister must address.

Mr. MacNeil: Does the hon. Gentleman agree that, if that situation were to arise, the MCZ should be declared null and void almost immediately?

Mr. Reid: The hon. Gentleman is quite right: there would be no point in declaring an MCZ between the 6 and 12-mile limit if European fishermen were able to fish there and ours were not.

To summarise, I support the Bill. It is a good Bill that sets out how to make progress towards the future for the sustainable development and protection of the marine environment. There are, I believe, one or two flaws, and I have referred to two of them this evening. I hope that the Minister will reflect further on those flaws, keep the 1771 Act and look again at the 6 and 12-mile limit to ensure that our fishermen would not be discriminated against if MCZs were declared in those areas.

Rob Marris (Wolverhampton, South-West) (Lab): I propose to confine my remarks to new clause 8 and to amendments 44, 23 and 5. The tone of the debate on the new clause was set by the opening speech of my hon. Friend the Member for Great Grimsby (Mr. Mitchell). One thing we learned from my hon. Friend, and from other contributors, was about the White Herring Fisheries Act 1771, but he also introduced two socking great red herrings. My hon. Friend appears to be under the impression that marine conservation zones will, perforce, ban fishing in them, because he claims that is integral to an MCZ. I would be most obliged if he would intervene and tell me where exactly the Bill says that, as I cannot find it anywhere in it.

Mr. Austin Mitchell *rose—*

Mr. MacNeil *rose—*

Rob Marris: I shall give way.

Mr. MacNeil: A marine conservation zone implies a degree of protection, so the question arises, "From whom is it to be protected?"

Rob Marris: It does, and I shall come on to that, but I shall give way first to my hon. Friend the Member for Great Grimsby.

Mr. Austin Mitchell: I did not say that there were proposals to ban fishing in the marine conservation zones, but what I will say right now is that if that is the proposal, it is unacceptable to the fishing industry; it is a monstrous proposal. We cannot have a patchwork quilt, which is what the MCZs will be. They will not be universal, but they will be no-go zones in which fishermen cannot fish. That is an impossible way of ensuring conservation.

Rob Marris: There we go, that is another red herring, as it is not in the Bill. If we look at the Bill, we find that clause 117(6)(b) refers to

"enabling or facilitating ...recovery or increase"

of stocks. Clause 129(3)(b) talks about "prohibiting or restricting entry", so there could be a prohibition, but the word "restricting" also appears in the Bill, which is of course different from "prohibiting". Clause 123(3)(a) refers to measures contributing to "the conservation or improvement" of stocks.

The red herring is in amendment 44 and new clause 8, which my hon. Friend the Member for Great Grimsby tabled, because he sees things as one or the other, as do elements in the fishing industry. Yes, I will demonise the fishing industry, although not individual fisher folk, because the industry has an appalling record. Sadly, that record has been maintained for many years, although, gradually, it is getting a bit better. Historically, it has an appalling record of fishing stocks out: we see that all over the world—we see it in the North sea; we see it in the collapse of the Canadian cod fishery off the Grand banks of Newfoundland; we see it in the collapse of the Pacific fishery off the west coast of Canada. By the way, that did not happen under a common fisheries policy, as that fishery is not covered by the North American Free Trade Agreement under national legislation.

Mr. Mitchell: Will my hon. Friend give way?

Rob Marris: Let me make my point and then I will give way. Inherent in amendment 44 and new clause 8 is the concept that conservation and preservation of marine

stocks—marine fauna and marine animals are mentioned in the Bill—is counterpoised to the interests of the fishing industry. I say to my hon. Friend the Member for Great Grimsby and others, "Be careful in what you wish for because you might get it". If marine conservation zones improved fish stocks and thus improved the circumstances for the fishing industry, passing new clause 8 and amendment 44 tonight would mean that the Government would have to take statutory measures to mitigate the consequences of that improvement. That is inherent in the wording of new clause 8 and amendment 44, which shows that those who framed them and support them see conservation and preservation of marine fauna and the interests of the commercial fishing industry as counterpoised, but they are not. I firmly believe that, handled sensitively, marine conservation zones could help increase fish stocks and, therefore, in the medium and longer term, help the commercial fishing industry.

Mr. Mitchell: My point was simply that conservation measures are best handled on a universal basis within our fishing area. My hon. Friend is obviously scarred by the experience of Canada, which he has quoted previously in the House. As he comes from Canada, I can understand that. However, the Canadian depredation of cod stocks was caused not by the absence of conservation zones, but by universal over-catching by Canadian and other vessels. The fishing industry's record has been good on occasions—Iceland is a classic instance of conservation of stocks. We should contrast the fishing industry as it was with the industry now. An increasing proportion—44 per cent.—of the British industry conforms to the responsible fishing agenda set out by Seafish. The fishing industry now believes in conservation, and fights for it.

Rob Marris: On that basis, my hon. Friend no doubt realises that there is no contradiction between marine conservation zones and the commercial fishing industry, and will withdraw his new clause 8 and not press amendment 44.

8.45 pm

Mr. Mitchell: One cannot do conservation in itsy-bitsy pieces in minute marine conservation zones—or small marine conservation zones; I am not sure how big they will be—that are not linked up as a network.

Rob Marris: That depends on how big those marine conservation zones are and how deep the pre-existing depredations, which the marine conservation zones are designed to help to restore, are in relation to the sea bed. If the opportunities for commercial fishing were lessened or, in some cases, subject to temporary exclusion, that would help. I accept that we cannot do anything with marine conservation zones of 1 square metre, but the Government are not making such a proposal, as the Minister will no doubt elucidate. If, given that there is no such contradiction, the scales have fallen from my hon. Friend's eyes about the Aunt Sally that he has set up, he will no doubt withdraw new clause 8 and not press amendment 44.

Mr. John Gummer (Suffolk, Coastal) (Con): When the system is localised, the hon. Member for Great Grimsby (Mr. Mitchell) says that a generalised system would be better. However, when we wanted to have generalised systems, nobody was more antagonistic to them than he was. He might not agree, but he steadfastly supported the dock labour scheme in Grimsby, which did more to damage the industry than almost anything else.

Rob Marris: That is one of the few illuminating pieces of evidence in this part of the debate. Right hon. and hon. Members will not be surprised to learn that Wolverhampton is one of the furthest places from the sea in the United Kingdom, and as far as I am aware—I am aware of my family history back to 1050 on my father's side—I have no fisher folk in my family. Surprisingly, however, SBS/Fletcher, which manufactures boats, is in my constituency.

One piece of evidence that stood out, as several hon. Members have mentioned, came from the hon. and learned Member for Torridge and West Devon (Mr. Cox), who was briefly in the Chamber and spoke about the experience of the fishery closure in Lundy. Another piece of connected evidence was provided by the hon. Member for St. Ives (Andrew George), who spoke about the success of the closure of a spawning area between January and March or April each year. Those relatively small-scale—relative to the geography and the coast of the United Kingdom—schemes have worked to the benefit of not only conservation but the commercial fishing industry in those areas. Those are two pieces of evidence for my assertion that the Aunt Sally contradiction simply does not exist.

I want to consider the other red herring suggested by my hon. Friend the Member for Great Grimsby. When talking about criminal sanctions and so on, he referred to accidents. Perhaps he will intervene to tell me where the Bill refers to accidental damage. What I do see is a reference to recklessness, in clause 140(2). The word "recklessly" appears in paragraphs (a), (b), (c) and (d). Subsection (2) contains only those four paragraphs, and they all contain the word "recklessly". As a lawyer, I must tell my hon. Friend that the term "accidental" means something rather different from what is meant by the term "reckless". Perhaps he sees no difference between the two, but I assure him that there is one.

I do not think that the Government should get rid of clause 141(4)(b), as amendment 23 suggests. Government amendment 5 and amendment 42 also seek to alter the subsection. Paragraph (b) states that it is a defence for a person who is charged with an offence to show that

"the effect of the act on the protected feature in question could not reasonably have been avoided."

That takes us to the reckless rather than the accidental end of the scale. Government amendment 5 states:

"The Secretary of State may by order amend this section so as to remove, or restrict the application of, the defence provided by subsection (4).'

That is relevant to the passage that I quoted a moment ago. Amendment 5 would give the Secretary of State regulatory powers to remove the defence in subsection (4)(b).

I believe it was the hon. Member for St. Ives who seemed to have gained the impression from the Government that, if granted by the House tonight and enacted by Parliament, those powers would be used quite quickly, and I am concerned about that for constitutional reasons. I freely admit that my lack of knowledge is to blame, but I hope that, when he winds up the debate, the

[Rob Marris]

Minister will tell us where else in statute a provision exists enabling a Secretary of State, by regulation, to remove a defence.

We all know that regulations create offences from time to time, but removing a defence and doing it so quickly—if that is the Government's intention—strikes me as very surprising. I hope that the Minister will tell us whether the Government have any such ideas, if not a fixed intent. If they have such ideas, perhaps he will explain why the removal of the defence in subsection (4) is not itself a Government amendment, rather than the Secretary of State's being given an order to take such action on a whim and on the basis of regulations that will have much less scrutiny.

Martin Salter: I congratulate the hon. Member for Great Grimsby (Mr. Mitchell) on lightening our proceedings. I think that most of us wondered whether we would achieve such levels of excitement.

Let me begin by identifying an absurdity that has featured in a number of statements made today. Members have said that it is not possible to create a patchwork quilt of marine conservation zones—that they will not work. Every Member has been lauding the achievements of Lundy as a no-take zone. That is the first patch in the patchwork quilt that we need to establish around these shores, if there are to be any fish left for the people of Great Grimsby and elsewhere to fish for.

I oppose new clause 8, and I oppose amendment 24, which seeks to enhance the sea fisheries defence. I support Government amendment 5, which seeks to minimise that defence in the context of the reform of the common fisheries policy, as outlined by the hon. Member for Newbury (Mr. Benyon). By way of a change, I support Government amendments 13 and 14, which seek important reforms to the Salmon and Freshwater Fisheries Act 1975.

It is a pleasure to follow a number of speeches, particularly those of my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) and the hon. Member for Broxbourne (Mr. Walker). However, I must take issue with what the hon. Member for Broxbourne said about accidental damage. There is nothing accidental about beam trawling. Beam trawling is an environmental disaster. If we were to translate it to the agricultural field—pardon the pun—it would mean a farmer ploughing the same field seven times in a single growing season. Beam trawling does long-term environmental damage and cannot exist alongside conservation and sustainable fisheries. They are completely opposed, and such damage is not done accidentally.

Mr. Walker: I hope the hon. Gentleman will recognise that I was expressing concern that accidental damage might be a universal get-out clause for the fishing industry.

Martin Salter: I welcome that clarification.

There need not be a conflict between fishing—whether commercial or recreational—and conservation, provided that the fishermen decide to come down in favour of conservation. Turning to my own sport, I have lost count of the number of arguments I have had with salmon anglers who opposed the bringing in of the rule of returning spring salmon before 16 June. It has finally got into the psyche of Britain's game anglers that we cannot continually remove spawning fish from the food chain and expect a run of salmon in subsequent years. Fishermen can be conservationists, but the choice is theirs, and fishermen or their public representatives who choose to oppose the single most important piece of environmental legislation affecting the coastline and seas of this nation have clearly not opted to come down on the side of conservation.

Mr. MacNeil: Will the hon. Gentleman give way?

Martin Salter: No, I will not.

I have huge affection and respect for my hon. Friend the Member for Great Grimsby. He is a doughty champion for his constituency and for the commercial fishing interest, but I say to him that he will do them no favours in the long term if he encourages people to set their faces against the very conservation measures that are designed to protect the existence of the fish that his constituents wish to catch.

I get tired of listening to the argument that people have had a traditional right to pursue their quarry in this way. The same argument was made about the white rhino in Africa until it was hunted to extinction, and the Spanish and the Portuguese are making the same argument about the bluefin tuna fishery. Bluefin tuna have got probably months, and certainly no more than two or three years, left to exist as a species that can be sustainably harvested. Sadly, a couple of years ago in Luxembourg the European Fisheries Council recommended quotas that were twice as generous as those that should have been introduced in order to secure sustainability.

Mr. MacNeil: Will the hon. Gentleman give way?

Martin Salter: No, because there is very little time.

The commercial sector broke those quotas by a factor of 100 per cent. Unless we change the terms of this debate, and unless we in this House come down forthrightly on the side of conservation, there is no hope for the commercial fishing industry or recreational fishing.

Mr. Austin Mitchell: Will my hon. Friend give way?

Martin Salter: I shall give way to my hon. Friend.

Mr. Mitchell: I am grateful to my hon. Friend for his moving tribute to me, but, as far as I know, we are talking about white herring, not white rhino. It is not true that the fishing industry is opposed to conservation measures; it supports them, but it wants its position to be made clear within them. As my hon. Friend is such a passionate supporter of marine conservation zones, will he tell us whether he wants them to become no-fishing zones?

Martin Salter: I certainly support the power in the Bill to have, on the basis of good scientific evidence, MCZs that are no-take zones where appropriate. They could be established for a host of reasons, but particularly in nursery areas for recovery species. We have already witnessed commercial fishermen in the south-west praising the fact that their catch has risen as a result of the

Lundy no-take zone. I offer a potential golden future to my hon. Friend's constituents through having no-take zones.

Mr. MacNeil: Will the hon. Gentleman give way?

Martin Salter: No.

The Marine Conservation Society wrote the following to the Minister back on 3 July:

"The true value in marine reserves lies not in their ability to protect the most fragile species as is often put forwards. Instead marine reserves, where no extraction or disturbance takes place, allow the sea to fully recover for species diversity and productivity."

There is a common interest between conservationists and the commercial sector to ensure a more productive sea.

9 pm

I turn briefly to the Government amendments that seek to amend and improve the Salmon and Freshwater Fisheries Act 1975. The Environment Agency has just concluded a consultation on the removal of freshwater fish that the Bill allows for. The consultation overwhelmingly came down in favour of a catch-and-release regime for our freshwater fisheries. Henceforth, the archaic, anachronistic system of regional byelaws is to be replaced with a national catch-and-release regime for coarse fish, which is long overdue. Yes, there will be some exceptions for fishery management, predator fishing or conservation purposes, but in their response to the Environment Agency consultation as part of this Bill, freshwater anglers overwhelmingly came down on the side of conservation, and it is to their credit that they did so.

I take issue with the argument that somehow, only Members with coastal constituencies have the right to argue about the condition of our sea. Actually, some of the finest contributions came from my hon. Friend the Member for Wolverhampton, South-West and the hon. Members for Broxbourne and for Newbury—constituencies that are a considerable distance from the sea. The sea is a common heritage that we all share.

Given that time is of the essence and that we have other groups of amendments to move on to, I would like the last word in my contribution to go to a trawlerman. Mr. Dave Murphy was a trawler captain for Interfish until two years ago, when he became the outreach officer for the Finding Sanctuary project. He says:

"Protecting habitats has got to do fish stocks good in the end. I've had the opportunity to make my life fishing. I'd like my two boys to have the same chance."

That is what the Bill is about: ensuring that the fish stocks that we value, and that we want to see protected and enhanced and flourish, are there for future generations.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I am pleased that my hon. Friend has heard from Mr. David Murphy, who is doing excellent work in developing "Fishermap" for Finding Sanctuary. However, will he urge the Minister, as I should like to do, to issue the ecological guidance necessary for that project to do its work?

Martin Salter: As my hon. Friend bears the scars of the Bill Committee and we shared many hours on this subject together, I certainly commend her remarks to the Minister.

This is an excellent Bill that is good for fisheries and good for conservation. It needs us to be big people and take on vested interests, and to be prepared to make the arguments for the next generation.

Huw Irranca-Davies: Once again, this has been an excellent debate. To refer to the last point first, I confirm that we are very close to issuing guidance for the criteria underpinning the evidence base and science upon which the partnerships—importantly, they involve fishermen as well—will bring forward proposals for the marine conservation zones. All those interests are working together, and the most notable example is of course the Finding Sanctuary project in the south-west, which is very well advanced. It is a triumph in bringing together a wide range of diverse interests, all of whom, including fishermen, own the solution to these challenges as well as the problem.

Linda Gilroy: Will my hon. Friend confirm that there is a perception that these guidelines might not be issued until as late as next March, and will he please offer an assurance that it will be a great deal earlier than that?

Huw Irranca-Davies: Yes, indeed I can. I cannot give my hon. Friend a date, but I can tell her that we have actively been working on the guidelines for some time to finesse them and make sure that they are the right criteria. I intend to bring them forward a lot sooner than that, but I cannot give her a date today.

I am very tempted, bearing in mind some of the remarks that have been made, to discuss reform of the common fisheries policy and how the UK is leading the agenda, long-term sustainability and maximum sustainable yields, regionalisation and ownership of fisheries management at a regional level, and bringing marine and fisheries together, which much of this debate is about. However, I will not try your patience, Mr. Deputy Speaker, and I will go straight to the amendments.

First, let me deal with new clause 8 and amendment 44. I am grateful to my hon. Friend the Member for Great Grimsby (Mr. Mitchell) for tabling those provisions, the first of which would require Ministers to

"take all reasonable steps to manage and mitigate the impact on fishing and other existing activities resulting from the designation and management of an MCZ."

Amendment 44 is broadly similar in its aim, but is linked to the reporting duty in clause 124. There has been much debate during the passage of the Bill on whether Ministers should have a power or a duty to take account of social and economic implications when deciding whether to designate a MCZ. These provisions are slightly different, because they would place a legal duty on Ministers to manage and mitigate the social and economic impacts that follow designation. The impacts of designation will be wide-ranging: they are likely to vary in scale; many different sectors and stakeholders might be affected; and there may be both direct and indirect impacts. These provisions would require Ministers first to identify and then to implement whatever steps are reasonable to manage and mitigate all the impacts.

I am not saying that Ministers, and the other public authorities with a role in MCZs, should not have regard to the social and economic impacts of the decisions that they take—in fact, we have had a lot of debate on that—or that they should not keep those impacts under review and seek to manage and mitigate those impacts

[Huw Irranca-Davies]

whenever they reasonably can. I expect that to happen, but I do not want to place a specific legal duty on Ministers for a number reasons.

First, such a duty would be an extremely difficult and onerous obligation to meet, because of the range and variety of impacts to which I have just referred, and because measures to mitigate the impact on one type of activity, for example, fishing, might have a greater adverse impact on other types of activity, for example, diving, recreational activities and so on. In fact, a broad duty to mitigate the impacts on a number of activities, which are not necessarily always compatible, would be impossible to fulfil.

Secondly, a range of public bodies will be involved in managing MCZs. Ministers will take the final decisions on designation, but MCZs will be managed by a number of public authorities, including the Marine Management Organisation, the inshore fisheries and conservation authorities and other public bodies that carry out functions in the marine environment.

Thirdly, I am concerned that under these proposals anyone who disagreed with the Minister's decision would challenge it through judicial review. For example, Ministers could face a legal challenge on their interpretation—I could be challenged on my interpretation—of what would be reasonable steps to take, as well as on their assessment of the scale of impacts, and on whether the measures undertaken were sufficient.

MCZ measures are not, in any event, set in stone. In appropriate cases, designation orders could be varied and byelaws amended. The Bill has been drafted so as to ensure that all those carrying out activities in the marine area—including fishermen—have a chance to be heard and to help form our policy, be it the marine policy statement, marine plans, MCZ designations or byelaws. I also have technical concerns about the drafting of the provision, which does not tie in with the terminology in the Bill. I hope that, in view of the considerable burden that the proposal would impose and the risks involved, my hon. Friend will withdraw the new clause.

Let me move on to amendment 18, which stands in the name of the hon. Member for St. Ives (Andrew George) and seeks to require Ministers carrying out their reporting functions to include information in the reports on the extent to which, in their opinion, MCZs have

"an impact upon the marine economy in general and...commercial and recreational fishing...in particular."

The purpose of the reporting duty in clause 124 is to require Ministers to report to the relevant legislature with information on progress being made. The amendment would considerably extend the scope of the reporting duty to include an assessment of the economic consequences of the actions that have been taken. Social and economic implications may be taken into account in deciding whether to designate an MCZ and also in the subsequent management of the site. We will take decisions on which areas to designate on the very best scientific evidence available to us, and we are keen to involve—I hope that I have made this clear—all relevant interests in identifying and selecting those sites.

We also want stakeholders to help us gather the evidence on which to base these assessments, which will identify management scenarios, and the associated costs and benefits of the proposed sites. The impact assessments will inform the Secretary of State's final decision on whether to designate sites.

The designation of a network of MCZs is likely to have an impact across a wide range of economic sectors and individuals, and that impact could be both direct and indirect and vary in size. I am concerned that placing a legal duty on Ministers to report on the impact that MCZs have on the marine economy in general, and on commercial and recreational fishing interests in particular, could be difficult and costly to comply with in any meaningful way. Although the high-level or generic assessment of such impacts might not present great difficulties, that could be of very little value when we are considering local and regionalised issues.

That is not to say that the economic impact of designations will be ignored once the sites have been designated. MCZs have been designed to provide protection that is proportionate and able to change over time and that takes into account the wider needs of society. That means that the costs and benefits of any management measures that are introduced following designation should be reviewed by the appropriate authorities so that, if necessary, they can be adjusted and fine-tuned in the light of new information or changes in conditions.

Rob Marris: On the grounds for designation of marine conservation zones, clause 117(7) refers to the "economic or social consequences" of so designating. Will the Minister confirm that those economic or social consequences could be positive and that they are not always negative?

Huw Irranca-Davies: Yes, indeed. That is where the debate has to take us, both now and in future months and years. Although we absolutely recognise the impact that the proposal might have on parts of fisheries, if that is managed appropriately we could also have positive benefits—with activity going either into other types of fisheries or into recreational or scientific opportunities and so on.

Andrew George: Even so, the Minister has perpetually repeated that the Bill represents a balance between conservation and socio-economic factors. The only stage at which socio-economic factors will—or rather may—be considered under the Bill as drafted is at the point of designation. In my view, that should be based on sound science in any case. Is he saying that the balance will not then run through the operation of the MCZs? Will the MMO not be informed of, or even make any kind of assessment of, the impact that these MCZs will have on the coastal economies?

Huw Irranca-Davies: Quite the contrary. Let me make it clear that the reporting requirement in the Bill is there so that Parliament can take a view on how well the duty that it has placed on Ministers to create the network is being fulfilled. There is nothing to stop Ministers including relevant information on the social or economic impact in the reports that they submit under clause 124. Indeed, I can see merits in doing so if relevant information is available. However, I do not think that it would be appropriate to include a legal obligation in the Bill.

Martin Salter: Does the Minister accept that although there might be short-term pain, it could be for long-term gain? That long term might not be too far away. Evidence

from St. Lucia in South Africa, where marine protected zones were introduced in 1995, showed that in just three years the biomass of that reserve tripled, making a strong economic argument for those who would have opposed it in the first place.

Huw Irranca-Davies: My hon. Friend rightly makes the point that there can be positives as well as negatives in these measures if we manage the marine environment correctly. In fact, we want to reach a point where the positives significantly outweigh the negatives, but that requires an approach such as that which we see in this Bill—a properly planned and managed approach to the marine environment.

Let me turn to amendment 42 and new clause 10, tabled by the hon. Member for St. Ives and my hon. Friend the Member for Great Grimsby. They were tabled with the objective of making it a legal requirement that UK and foreign fishing vessels must receive equal treatment under offence clauses in MCZs. The sea fishing defence is a blunt instrument that the common fisheries policy—itself in urgent need of reform—requires us to put in place. The amendments become relevant in the light of my own amendment in this group to create a power for the Secretary of State to restrict or remove the sea fishing defence by order. As I said in Committee and have made clear again today, it is my firm intention that that power should be used in an equitable way. We will not use it to discriminate against part of the UK fishing fleet, as to do so would be to shoot ourselves in the foot.

Neither of the amendments is therefore necessary to ensure fair treatment of UK fishermen. The Government are happy to commit that any exercise of the new power would be made in close consultation with Scottish and Welsh Ministers, the industry, the MMO, inshore fisheries and conservation authorities and many others. All these people and organisations have an interest in supporting a vibrant fishing fleet, and not disadvantaging our fishermen.

9.15 pm

The amendments also have a technical deficiency as they could have a consequential impact on our ability to manage local fisheries matters where, to pick up the point raised by my hon. Friends earlier, we can bring in byelaws, after local consultation, to manage local fisheries impacts. The amendments could bring into doubt our ability to bring in MMO byelaws in the 6 to 12 nautical mile zone restricting sea fisheries activities which apply only to UK vessels, because in practice foreign boats do not and will not conduct the same sort of activity. The amendments would remove that flexibility.

We have the ability actively to manage our inshore area through IFCAs and MMO byelaws in the Bill, and the House has made it clear that it wants to see effective enforcement take place. I would not want to undermine our ability to act where necessary at a local level.

Mr. MacNeil: Will the Minister give way?

Huw Irranca-Davies: We have other amendments to deal with, so I shall make progress.

Amendment 23, which was tabled by the hon. Member for St. Ives seeks to raise the hurdle for fishermen to make use of the defence available in clause 141(4), which we have come to know as the sea fishing defence. We must of course treat our fishermen fairly, and in that I completely agree with the thrust of the hon. Gentleman's arguments. The Bill is already fair to fishermen in the balance that it strikes. In clause 141(4) it recognises that fishing is a legitimate activity, and a vital part of our economy, not to mention being a provider of employment in places where jobs can be hard to come by.

The fact that I have been regularly called upon, on the one hand, to strengthen the sea fisheries defence—for example, in the amendment tabled by my hon. Friend the Member for Great Grimsby—and, on the other, have been under great pressure from different quarters to weaken or remove the defence altogether, reinforces my view that we have found the right balance in the current drafting.

Let me reassure the House that where fishermen are fishing in accordance with the relevant rules and take reasonable steps to avoid damaging the site, they will be able to rely on the defence set out in clause 141(4), but when they break these rules, the legislation will not offer them an easy get-out. The common fisheries policy means that we cannot reduce the defence, and it is not necessary to increase it. Indeed, to provide a stronger defence would start to undermine the point of part 5, which is about improving protection for the marine environment.

Mr. MacNeil: Will the Minister give way?

Huw Irranca-Davies: I have so much to get through.

In any event, the amendment does not work. It undermines the offence provision in the Bill, confuses the level of knowledge that a fisherman would need for a prosecution to be brought, and would almost certainly constitute a breach of our common fisheries policy obligations. For all those reasons and more that I do not have time to explain, I urge the hon. Member for St. Ives to think carefully and withdraw the amendment.

Amendments 28 and 29 were tabled by my right hon. Friend the Member for Scunthorpe (Mr. Morley), my predecessor and a great supporter of the Bill. Together, the amendments would significantly narrow the geographical area within which a defendant could claim the sea fisheries defence in clause 141(4). That would mean that the defence would not be available out to 6 nautical miles. It would also mean that the defence would not be available in those waters between 6 and 12 nautical miles where there are no historic fishing rights for vessels from other member states. However, the defence would continue to be available in most of our waters between 6 and 12 nautical miles, and in all waters beyond 12 nautical miles.

The reason for including the sea fisheries defence in the Bill was to avoid breaching European law. The amendments are consistent with that purpose, and I am satisfied would not lead to a breach of European law. However, my concern is that they would complicate matters for fishermen and enforcement authorities without delivering any significant conservation benefits. They would also have an impact primarily on UK fishermen. However, throughout the passage of the Bill we have been clear that as a matter of principle we do not want to discriminate against the UK fleet. Doing so would still leave marine conservation zones vulnerable to the activities of foreign vessels.

[Huw Irranca-Davies]

If my right hon. Friend's amendments were accepted, it would mean that the sea fisheries defence was available to fishermen in some areas, but not in others. The defence would always be available in relation to offshore waters beyond 12 nautical miles, but never available to inshore fishermen operating within 6 nautical miles of baselines around the coast. Between 6 and 12 nautical miles, the situation would be very confusing. Within those waters, fishermen would need to possess a detailed knowledge of the historic fishing rights enjoyed by all foreign vessels. For all those reasons, I do not think that the amendment is absolutely necessary, and when I come to the Government's amendments I shall explain why.

My hon. Friend the Member for Great Grimsby tabled amendment 24 to make it clear that, where a fisherman is pursuing his or her trade in a reasonable way, they should not be guilty of an offence under byelaws made under clause 139 or under the general offence set out in clause 140. I assure my hon. Friend that the Bill already provides the effect that he wishes to see. Clause 141 provides that where a fisherman causes damage while fishing within the law and the damage could not reasonably have been avoided, he is entitled to the defence in that part of the clause. In fact, it is arguably a slightly broader defence. The Bill speaks of damage that could not reasonably have been avoided, whereas my hon. Friend's amendment would provide a defence only if the damage could not have been avoided at all—whatever the cost in time, money, or perhaps even safety. There are other reasons why I have issues with the amendment, but I hope that I can assure my hon. Friend that the Bill already contains the protections that he seeks.

I turn now to sea fisheries defence and Government amendments 5 and 9. In the light of the very persuasive points that were made today and in Committee, I shall move amendments 5 and 9, which future-proof the Bill in anticipation of the reform of the CFP. The amendment to clause 141 would give a power to the Secretary of State to restrict or remove the sea fisheries defence in subsection (4). It is necessary to include that defence in the Bill at the current time in order to comply with European law, but I have considered the concerns that were raised in Committee. We are currently—right now—pursuing the greater integration of fisheries and environmental policies for the forthcoming round of common fisheries policy reform negotiations. As I said at the outset, the UK is leading the way.

The future status of the defence is dependent on the outcome of discussions that are currently under way, but its purpose is to enable us to provide the protection that marine conservation zones need, in compliance with the common fisheries policy, so the associated amendment to clause 311 would ensure that the power was exercised by means of a statutory instrument, subject to an affirmative resolution. That is important, because removing the defence will mean amending primary legislation and, in effect, widening the scope of what is considered to be criminal activity.

The amendment would give the order-making power to the Secretary of State, who has responsibility on behalf of the UK for negotiations on fisheries matters with partners in Europe. However, I know that the devolved Administrations have a keen interest in how and when the power would be used. Consequentially, it would be exercised only following early and close consultation with Scottish, Welsh and Northern Ireland Ministers. Appropriate arrangements would be agreed with the devolved Administrations and incorporated into a concordat that is being developed on how the separate Administrations will work together to deliver the nature conservation aims of the Bill.

Many people have spoken about amendment 17, which relates to white herring fisheries. The amendment would remove from the Bill the repeal of the remaining sections of the White Herring Fisheries Act 1771. The hon. Member for St. Ives, who has added his name to the amendment, raised the issue in Committee on 7 July. I undertook to write, as he said, and I did so over the summer. My letter of 4 September confirmed the Government's view, which we still hold. Although I heard all the views expressed today and am not an unreasonable man, I still hold the view that the 1771 Act should be repealed. I recognise that some in the fishing industry, particularly those in Scotland, remain concerned about the potential impact of its repeal. Let me explain.

Clause 229 repeals a number of old fisheries enactments, including the 1771 Act. The effect of the repeal in Scotland will be rather different from that in England, Wales and Northern Ireland, because in Scotland the repeal will have little effect, as the relevant rights are effectively covered by the Scottish Fisheries Act 1705. In England, Wales and Northern Ireland, the repeal will remove the remaining rights set out in the 1771 Act.

Only fishermen who are employed in the white herring industry are entitled to the rights of free access to natural ports and harbours for curing fish, erecting tents and huts and drying nets. Repeal of the 1771 Act is appropriate because there is no longer any good reason why one group of fishermen should enjoy a benefit that no others have. The Act was designed to encourage the white herring fishery of the 18th century, and our view remains that that purpose, and the policy behind it, is no longer relevant.

Let me add why we are repealing the Act, rather than simply leaving it. Hon. Members will agree that redundant legislation should not be left on the statute book to gather dust. The 2006 Davidson review looked at where outdated legislation could be scrapped, simplified or consolidated in line with the principles of better regulation. It identified 30 such fisheries-focused Acts and recommended that DEFRA should use this Bill to repeal out-of-date primary legislation and to consolidate much of the rest. In response to the review, it was decided not to undertake a wholesale review of fisheries Acts, but to identify those that should be repealed through the Bill. Nine such Acts were identified, of which six, and part of another, were put forward for repeal. I understand people's concerns about this matter, but those concerns do not apply to Scotland because of the 1705 Act. Indeed, they apply only to fishermen who are fishing for white herring.

Finally, on Government amendments 13 and 14, I am grateful to my hon. Friend the Member for Reading, West (Martin Salter) for proposing a similar amendment in Committee. I was not able to accept it, because the wording did not quite achieve the end that he and I both desired, but I am pleased to bring it back now in a form that is fit for purpose. The amendments add section 22 of the Salmon and Freshwater Fisheries Act 1975 to the list of sections to be repealed. Quite simply, that section

is obsolete—first, because it bans the sale of salmon and sea trout at the wrong times of year. The dates in section 22 originally mirrored the close seasons for salmon and sea trout, but, over time, the Environment Agency has used its powers to move those close seasons to more appropriate dates, and the two are now out of kilter.

Secondly, section 22 is obsolete because its contribution to the Environment Agency's fight against poaching has been overtaken by powers under the Salmon Act 1986. I could go on, but this section is a classic example of out-of-date legislation that should be repealed. With those comments, which were slightly rushed, but comprehensive, I hope, I urge hon. Members to withdraw their amendments and accept the Government's amendments as good improvements to the Bill.

Mr. Austin Mitchell: I do not intend to prolong the debate, but I am surprised by the amount of passion against the fishing industry that has been roused in the breasts of Members who represent urban constituencies that are scores of miles from any fishing port in the country. I shall not go on, because there would be a big educational job there, about the £6 billion a year contribution that the fishing industry makes to our economy. I will say, however, that I was very happy with the Minister's reply. My main intention, in defending the interests of the industry in this way, was to get him to undertake certain commitments that he has wholeheartedly given.

I am disappointed by the Minister's response on the white herring legislation, because it leaves Scotland, once again, in a privileged position. The Scots have their own white herring Act and the protection that it gives, whereas that legislation will be removed from English fishermen. That is another advantage of devolution in Scotland. Joking aside, I am happy with the commitments that the Minister has given, and I am grateful to him for giving them, because they recognise the importance of fishermen. With those comments, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Andrew George: On a point of order, Mr. Deputy Speaker. I seek your guidance. We have had some good debates so far, and we are about to enter into a debate on a very significant element of the Bill—in fact, many people consider it central—on marine conservation. We have only half an hour left for that debate, yet tomorrow we have debates on matters that several of us consider to be less significant, if important nevertheless. Can you use your offices, or find some means through the usual channels, in order that the debate on marine conservation can be extended on to tomorrow's Order Paper?

Mr. Deputy Speaker (Sir Michael Lord): Unfortunately, these matters are not in the hands of the Chair. To be honest, points of order like that simply take time out of the debate at this stage of proceedings.

Clause 117

GROUNDS FOR DESIGNATION OF MCZs

9.30 pm

Ms Katy Clark: I beg to move amendment 3, page 78, line 32, at end insert—

'(d) the marine ecosystem as a whole.'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment 16, page 79, line 8, leave out 'may' and insert 'shall'.

Amendment 1, page 79, line 9, at end insert 'only where—

(a) a choice exists between two or more potential MCZs of equal ecological value; and

(b) to do so does not hinder the achievement of the objective in section 123 to create a network.'.

Amendment 43, page 79, line 10, at end insert—

'(7A) In considering the setting of the conservation objectives for the MCZ (under subsection 2) the appropriate authority shall have regard to the economic and social consequences of doing so; particularly in respect of traditional or long established marine activities.'.

Amendment 2, in clause 123, page 82, line 18, at end insert—

'(d) that the network includes highly protected sites.'.

Amendment 19, in clause 125, page 85, line 26, at end insert—

'(11A) In carrying out its duties under this section a public authority must have regard to the social and economic consequences of its acts.'.

Amendment 22, in clause 126, page 86, line 42, at end insert—

'(10A) In carrying out its duties under this section a public authority must have regard to the social and economic consequences of its decisions.'.

Amendment 20, in clause 130, page 88, line 39, leave out '(7)' and insert '(8)'.

Amendment 21, page 89, line 6, at end insert—

'(4A) In drawing up any byelaw under this section the MMO must have regard to any social or economic consequences.'.

Ms Clark: It is a pleasure to have the opportunity to contribute to this debate. I wish to speak to amendment 3, which I tabled. It would amend clause 117, which deals with the grounds for the designation of marine conservation zones. The amendment relates to the Minister's power to order that a zone should be designated as an MCZ. The Bill enables the Minister, where he or she finds it desirable, to create an MCZ for the purposes of protecting and conserving flora and fauna, our marine habitat, and features of geological and geomorphological interest. The amendment would strengthen the Bill by enabling the Minister to create a zone to protect the marine ecosystem as a whole. We are no longer in a position whereby we can regard our sea as an unlimited renewable resource. As most of us know, the intervention of humankind has not only caused significant depletion of our fishing stocks but led to the degradation of all sorts of other forms of marine life. The amendment aims to strengthen the range of circumstances in which an MCZ could be designated.

I have personal experience of this matter in that for 15 years in my constituency there has been a significant campaign for an MCZ in Lamlash bay. Earlier this year, it was announced that there would indeed be an MCZ, but there has since been a great deal of frustration at the lack of progress towards that proposal becoming a reality. The organisation Coast—a community-based campaign in my constituency with more than 1,800 members—has been campaigning for an MCZ, and the work that it has carried out shows the difficulty that there is in obtaining such zones.

The Parliamentary Under-Secretary of State for Scotland (Ann McKechin): I thank my hon. Friend for her comments and commend the work of the Coast group on the Isle of Arran. It has done much good work in trying to create a community initiative on marine conservation. I will be happy to meet her and the group's members if that would be of assistance to them in brokering progress as regards their very good work.

Ms Clark: It would be of great assistance; I appreciate the Minister's comments.

Coast proposes that the whole bay should be considered as a conservation zone. At the moment, there is only a no-take zone in part of the bay. To assist hon. Members, a no-take zone basically means that there can be no fishing, whereas in some marine conservation zones fishing is allowed in particular circumstances. Lamlash bay is the first zone of its type in Scotland. We have already heard about the experience on Lundy, where there has been an MCZ since 1993.

This is not a problem for Britain alone—it is worldwide. Similar debates are taking place in countries throughout the world. South Africa has already taken the decision to designate 20 per cent. of its territorial waters as marine protected areas. I understand that it has already achieved 18 per cent. In Australia 40,000 square miles of the great barrier reef are designated as a marine reserve. Country after country have taken steps in that direction, but we have been slow to go down that path. The Bill is a significant development, and I welcome the fact that we will soon be getting legislation on the matter.

Robert Key (Salisbury) (Con): I have been looking forward all day to speaking on this group of amendments, and I congratulate the hon. Lady on hers. Given the disgraceful guillotining of the Bill, it is unlikely that many of us will be able to speak tonight. Will she at least give us the comfort that she intends to press the amendment to a vote when the time comes?

Ms Clark: I will listen very carefully to what the Minister has to say at the end of the debate, but I agree that it is a great shame that we have such a short time to debate these issues. It is a complete underestimation of their importance. I will keep my comments relatively brief to enable other Members to come in.

Marine diversity is not about one particular type of fauna, flora or fish. We are facing a situation in which our whole marine ecosystem is under threat. We have to recognise the scale of the problem not just by passing the Bill but in the steps that we take thereafter, to ensure that we get a network of marine conservation zones to protect the whole marine ecosystem.

Often, steps are taken to provide protection for fashionable types of creature, and some of the most important types of ecosystem might be protected, but the reality is that the world we live in and the marine environment are interlinked and interwoven. The consequences of the ecosystem deteriorating are significant for all of us. We debate climate change and other environmental issues regularly, but we often do not give marine life the attention that it deserves. Unless we ensure that we have a significant network of marine reserves, we will all be under threat.

I will listen carefully to what the Minister says. I would like an explanation of why the Government believe the amendment is not necessary, and I want assurances that this Government or any future Minister will be able to do whatever they can under the Bill's current wording. Many of us feel that the amendment would be a significant improvement and extend the range of circumstances in which an MCZ could be created.

Mr. Benyon: I congratulate the hon. Member for North Ayrshire and Arran (Ms Clark) on tabling the amendment. Right from the start, we have supported an ecosystem approach to the designation of marine conservation zones, and we believe that the amendment would provide further options for designation.

In Committee, I was opposed to attempts to require the designation of a defined percentage of our seas, and I stand by that position as I want the Bill to be effective. It would be easy for any Government to achieve a particular percentage by designating relatively benign or uninteresting parts of the sea. We want an ecologically coherent network of MCZs to be implemented as quickly as possible.

I am inclined to support amendment 3, as it leads on from that original proposal in a more sensible way. It would not serve to upset the balance that has been achieved between socio-economic and environmental considerations, and if it is pressed to a vote, we will support it.

Mr. Austin Mitchell: I shall not detain the House long, but I am concerned to introduce the principle that the existing social and economic interests of fishing communities be a dominant consideration in deciding on and running MCZs. The embryonic science that could underpin a scientific basis for designation does not exist—we do not know enough about the marine environment and the science is not strong enough. Therefore, a science-only approach is not going to work—it needs to be supplemented by a concern for safeguarding the interests of coastal communities, which have a special interest in keeping the fishing industry going and in fishing in such areas.

In other words, the science is uncertain, but fishermen's livings are clear and certain, and they need to be taken into account. Amendments 16, 19 and 21, which I tabled, simply emphasise the importance of the social and economic interests of existing fishing communities and the fishing industry in the zones. To my mind, that must be a dominant and important consideration, but it is not in the Bill.

Mr. Gummer: I rise to support amendment 3, which has been moved by the hon. Member for North Ayrshire and Arran (Ms Clark). The first reason is that to talk about the zones without talking at this point about ecosystems misses the point—it does not make the vital point that the system is a central part of a sensible conservation measure.

We have for too long believed that we can take bits out of the natural order of things and protect them, and not think about the total system. I must tell the hon. Member for Great Grimsby (Mr. Mitchell) that to say that not knowing enough about something means that we should not do it is a very frightening concept. We

would actually never have taken any conservation measures, because the truth is that the less we know about conservation, the more we may be doing very serious damage.

In fact, we have done a huge amount of work, as a result of which the hon. Member for North Ayrshire and Arran has moved her amendment. The Government will have to explain extremely carefully why they do not want what is so obviously a necessary addition. Indeed, not to go for the ecosystem approach is to ignore all the sensible views of environmentalists, because the amendment would remind us of the real nature upon which the species that we are seeking to protect depend.

I hope very much that the Government, at this last moment, agree that the measure is a necessary step. If they do not accept the amendment, many people outside this place will believe that they have gone only halfway to understanding the issues before us. The measure is a natural addition and I hope that they accept it. If they do not, I hope there is a Division in which the House supports what is a crucial part of the defence of our marine habitat.

Paddy Tipping: It is a great pity that there is such a limited amount of time to talk about marine conservation. It lies at the heart of the Bill and has been discussed throughout the Bill's passage, which has been an awful long time.

Amendment 1 is about the importance of socio-economic criteria in deciding MCZs. The amendment would make it clear that socio-economic factors should be taken into account only when they are the final factor in deciding between two zones.

My hon. Friend the Member for North Ayrshire and Arran (Ms Clark) and the right hon. Member for Suffolk, Coastal (Mr. Gummer) made strong cases for a network of marine sites—a holistic approach—and my hon. Friend the Member for Great Grimsby (Mr. Mitchell) talked in very blunt terms about science. May I draw the Minister's attention to a letter about the importance of science that her colleague, the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), who has responsibility for the marine and natural environment, wrote to the Wildlife and Countryside Link on 22 October? He said:

"I would like to reassure you that science will be the first consideration in the selection process. When considering potential MCZs, only when the ecological requirements of the network would be met in such considerations, will the Regional Projects be able to consider whether, and if so how, to factor in socio-economic considerations to their decision making".

Ann McKechin: I confirm that we stand by every sentence in that letter.

9.45 pm

Paddy Tipping: I am grateful that the Minister has put that point on the record, because it reinforces the importance of science in the designation of MCZs. I hope that she will ensure that the four regional areas that will make MCZ proposals will look closely at her words, because a discussion of the Irish sea regional project said:

"The project must balance protection with the interests of commercial fishing, shipping, oil and gas extraction, the aggregates industry"—

and so on. That does not imply, however, that it should be science and the designation of the marine landscape that is most important. Will the Minister ensure that her words are heard by the regional bodies? In particular, will she make it clear that any draft guidance that goes to those bodies is just that—draft? I understand that the guidance on designation will be released in March next year, but not in draft form. These are important issues of great sophistication, and to issue edicts from on high without further discussion will not be helpful. However, I am grateful that the importance of science has been stressed tonight and placed firmly on the record.

Andrew George: I am disappointed and angry that this central element of the Bill has been allowed so little time. I urge Ministers to use whatever powers they have to allow us an extended debate tomorrow if at all possible.

I congratulate the hon. Member for Sherwood (Paddy Tipping), and I support his amendments. I also congratulate the hon. Member for North Ayrshire and Arran (Ms Clark). I have tabled five of the nine amendments, but I shall not detain the House too long. I also support amendments 1, 2 and 3. I know that the Minister's response to the suggestion in Committee of a more highly protected area was to say that it would create a two-tier system, but I urge her to reflect on the fact that in land use planning, there are areas of outstanding natural beauty, national parks, listed buildings of various designations, article 4 directions and conservation areas—none of which diminishes the other designations.

Like the hon. Member for Sherwood, I think that the designation of MCZs should be fundamentally based in science. Yes, socio-economic factors may be taken into consideration, but they should be taken into account to a far greater extent in implementation. If the hon. Member for Great Grimsby looks at my amendments on the designation of conservation objectives within the MCZs and the byelaws that might be introduced under them, he will see that it is entirely appropriate that socio-economic factors—especially those of traditional fishing coastal communities whose livelihoods will be affected, whether to their benefit or detriment—should be considered when managing and implementing conservation policies. That balance is missing in the Bill at present. Throughout our debate on the Bill, both Ministers have perpetually argued that there is a balance to be had between socio-economic and conservation matters, but it applies only with a "may" in relation to the designation. Beyond that, socio-economic factors are entirely ignored.

Mr. MacNeil: One minor point is that the science is often not unchallengeable, but the question that often arises, particularly in my coastal area, is who commissions it. There is an inequality of resources available to fishing communities to challenge the science, which is often driven by conservation bodies.

Andrew George: That is a fair point, but on the other hand scientists increasingly depend on fishermen to gather their science. There is an increasing coming together of scientists and fishermen to glean a far better understanding of what is happening in marine conservation.

[Andrew George]

Indeed, that is one of the fundamental raisons d'être for finding sanctuary around the south-west coast. However, unless it is entirely peer reviewed there will inevitably be debate about the science, so I entirely accept what the hon. Gentleman says.

I will bring my remarks to a close now. What is missing from the Bill is a balance that allows socio-economic factors to underpin the implementation of conservation measures beyond designation.

Mr. Doran: I will be brief. I want to reinforce the point that a balance is important. The Bill is extremely important for our whole environment, not just the marine environment. At the same time, however, the balance has to take into account the view of stakeholders—a point that I made in the previous debate.

I am in the fortunate or unfortunate position, depending on what side of the argument one is on, of having a number of stakeholders based in my constituency. I have a fishing industry, which is mainly fish-processing now, although there are still remnants of a fishing fleet. I also represent part of the European energy capital, Aberdeen, where we have the headquarters not just of the north-east European oil and gas industry, but of a part of the oil industry that now controls operations throughout Africa, Asia and other parts of the world. Developing out of that, we also have the renewables industry. Indeed, we are becoming a centre for all sorts of marine energy, including wave, tidal and offshore wind. All those views need to be taken into account and it is important that the economic and social arguments are properly understood.

Mr. Philip Hollobone (Kettering) (Con): I am pleased to be a signatory to amendment 3, although it is a great shame that the issue was not picked up in Committee.

Essentially, the argument is about whether the word "habitat" goes far enough in protecting our marine environment or whether it should be added to with the word "ecosystem". According to the Oxford English Dictionary, "habitat" means

"the natural home or environment of an organism,"

whereas "ecosystem" is defined as

"a biological community of interacting organisms and their physical environment."

The word "ecosystem" is used to describe natural living systems. An ecosystem consists of plants, animals and micro-organisms in an area and their functioning together in combination with the physical character of that area. Necessarily, ecosystems are frequently complex. An ecosystem includes not only the physical habitats in an area and all the species that live in them, but the full range of interactions among all the different species in an area. Amendment 3 would add a new paragraph (d) to clause 117(1). Central to the ecosystem concept is the idea that living organisms are continually engaged in a set of relationships with every other element, living and non-living, in the habitat in which they live.

That has huge legal implications. Friends of the Earth has obtained legal opinion that argues that the common fisheries policy can be challenged as a result of that definition. Under EU law, the EU can forbid fishing in an area when the prohibition is for the purposes of both nature conservation and the protection of the marine ecosystem as a whole. Thus, if fishing were damaging the fundamental fabric of the marine ecosystem in an area and a member state wished to protect the marine ecosystem as a whole, that member state could establish a marine reserve covering that area and prohibit all damaging activity.

Mr. MacNeil: I am listening to what the hon. Gentleman is saying about ecosystems, but does he accept that they are, of necessity, dynamic with cycles of years and sometimes decades, so they are not fixed in time? Daff science often creates the understanding or belief that ecosystems are fixed in time, and are the same over years and decades.

Mr. Hollobone: I accept that ecosystems can move around. I am sure that there is scientific debate about that, but it would be nonsense to say that ecosystems must always be in the same place.

Another important point is that this part of the Bill gives Her Majesty's Government a power, but not a duty. It would remain at the Government's discretion whether to implement the law if the amendment were accepted. I see no reason why the Government should not be brave enough to accept the amendment. They would not have to implement the measure, but they would have the power to do so if they were enlightened enough to accept the amendment.

Ann McKechin: I confirm to my hon. Friend the Member for Sherwood (Paddy Tipping) that the Minister's letter of 22 October will be put in the House of Commons Library. I also confirm that the guidance on designation of MCZs will be finalised and published in March next year.

We have had an interesting short debate, and it is interesting to note that when we had the debate in Committee, it finished early. In the short time remaining, I want to talk about amendment 3. I ask my hon. Friend the Member for North Ayrshire and Arran (Ms Clark) to withdraw her amendment for two reasons. First, it is difficult precisely to define what the phrase

"the marine ecosystem as a whole"

means. Secondly, it is unnecessary, given the construction of clause 117. I firmly agree with the purpose of the amendment in that we want to ensure that we take an ecosystem-based approach to creating a UK network of marine protected areas. I am pleased to assure her that the Bill provides for the ecosystem to be conserved as a whole.

It is clear from clause 117(5) that we should not interpret the provision narrowly. Sites may be designated to conserve the diversity of flora, fauna and habitat, and those features need not be rare. We may conserve sites that simply represent our marine environment. There is a vital and direct link between that provision, which relates to individual marine conservation zones, and clause 123, which places a duty on Ministers to contribute to the creation of a UK-wide network. The network must meet certain conditions, including the fact that it must contribute to the conservation and improvement of the marine environment in the UK marine area.

How can the provision not relate to the ecosystem as a whole if we are bound to consider the conservation and improvement of the marine environment in the UK

marine area? I cannot understand how, when selecting individual sites, we could ensure that the network protected sites that represent the range of features present in the UK marine area without thinking about what features and habitats are present in the UK marine area, and the extent to which they are already protected.

Linda Gilroy: Will my hon. Friend confirm that, as the Under-Secretary of State for Environment, Food and Rural Affairs said in Committee, failure to make a designation decision on the basis of scientific evidence would mean, first, that the designating authority did not take account of reasonable considerations; secondly, that they would have acted unreasonably; and, thirdly, that the decision could then be considered for judicial review?

Ann McKechin: I am pleased to confirm that that is indeed the case, and I am pleased to put that on the record.

Hon. Members will recall that in Committee the Government gave a commitment to use seven principles for creating an ecologically coherent network of sites, including representivity, replication, viability, adequacy, maximum connectivity, protection, and use of the best available evidence.

Mr. MacNeil: Will the Minister give way?

Ann McKechin: No, I have only one minute left.

My other concern about the amendment is more technical. We have had numerous debates throughout the Bill's passage both here and in the other place about definitions and the precision of language. Unfortunately, the phrase

"the marine ecosystem as a whole"

does not define the boundaries. It does not define the boundary of an estuary or a bay, for example, or that of the North sea with the Irish sea, and does it include the North Atlantic? That is why I ask my hon. Friend the Member for North Ayrshire and Arran to withdraw her amendment—

10 pm

Debate interrupted (Programme Order, this day).

Mr. Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the amendment be made.

The House divided: Ayes 158, Noes 246.

Division No. 230] [10 pm

AYES

Abiyie, Adam
Ameas, Mr. David
Andrew, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Cash, Mr. William
Clark, Greg
Clark, Ms Katy
Conway, Derek
Corbyn, Jeremy
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Drew, Mr. David
Duddridge, James
Dunne, Mr. Philip
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Goodwill, Mr. Robert
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Howell, John
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
May, rh Mrs. Theresa
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Reid, Mr. Alan
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spring, Mr. Richard
Streeter, Mr. Gary
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, David
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Truswell, Mr. Paul
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walley, Joan
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Philip Hollobone and Mr. Graham Stuart

NOES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary

Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
George, rh Mr. Bruce
Gilroy, Linda
Goodman, Helen
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacNeil, Mr. Angus
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, rh Malcolm
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Woolas, Mr. Phil
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Helen Jones and Steve McCabe

Question accordingly negatived.

Mr. Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 141

EXCEPTIONS TO OFFENCES UNDER SECTION 139 OR 140

Amendment made: 5, page 96, line 11, at end insert—

'(4A) The Secretary of State may by order amend this section so as to remove, or restrict the application of, the defence provided by subsection (4).'.—*(Huw Irranca-Davies.)*

Schedule 13

MARINE BOUNDARIES OF SSSIs AND NATIONAL NATURE RESERVES

Amendment made: 12, page 274, line 39, at end insert—

'() After subsection (6) (when notification ceases to have effect) insert—

"(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3).",—*(Huw Irranca-Davies.)*

Schedule 16

MIGRATORY AND FRESHWATER FISH: CONSEQUENTIAL AND SUPPLEMENTARY AMENDMENTS

Amendment made: 13, page 285, line 22, leave out '21' and insert '22'.—*(Huw Irranca-Davies.)*

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ENVIRONMENTAL PROTECTION

That the draft Groundwater (England and Wales) Regulations 2009, which were laid before this House on 16 June, be approved.—*(Mr. Watts.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

NORTHERN IRELAND

That the draft District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2009, which was laid before this House on 8 July, be approved.—*(Mr. Watts.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

NORTHERN IRELAND

That the draft Electoral Law (Northern Ireland) 1962 (Amendment) Order 2009, which was laid before this House on 8 July, be approved.—*(Mr. Watts.)*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

That the Motions in the name of Mr Pat McFadden relating to Financial Assistance for Industry shall be treated as if they related to an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice of a motion has been given that the instrument be approved.—*(Mr. Watts.)*

SITTINGS OF THE HOUSE

Ordered,

That, on Wednesday 11 November,

(1) the House shall meet at 2.30 pm;

(2) references to specific times in the Standing Orders of this House shall apply as if that day were a Tuesday;

(3) votes in any deferred division may be recorded for one and a half hours after 3.30 pm, no account being taken of any period during which the House or committee proceeds to a division; and

(4) the sitting in Westminster Hall shall begin at 3.30 pm and continue until 8.00 pm.—*(Mr. Watts.)*

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Mr. Watts.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—*(Mr Watts.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mr. Watts.)*

Hon. Members: Object.

PUBLIC ACCOUNTS

Ordered,

That Angela Eagle be discharged from the Committee of Public Accounts and Sarah McCarthy-Fry be added.—*(Rosemary McKenna, on behalf of the Committee of Selection.)*

Territorial Army

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

10.17 pm

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I would like to be able to say that it is a pleasure to have this Adjournment debate, but I cannot do so. The matter under discussion is very serious. *[Interruption.]* The Government have proposed cuts to the Territorial Army. That is of concern in all parts of the House, and I hope the Minister will note—*[Interruption.]*

Mr. Speaker: Order. I apologise for delaying the hon. Gentleman, but this is an extremely important Adjournment debate and Members who are leaving the Chamber should do so quickly and quietly so that the hon. Gentleman can be heard.

Mr. Lancaster: I simply ask the Minister to take note of how many hon. Members have decided to remain for this Adjournment debate.

I start by declaring my interest: I am a serving member of the Territorial Army. Indeed, I am very proud to have served in Bosnia, Kosovo and Afghanistan for this Government, and I would be delighted to do so again, but I ask, both for myself and other members of the Territorial Army, simply to be given the training to be able to do that.

Let me begin by saying that it is absolutely clear that this decision is a grave mistake. The sum that the Government are proposing to cut is not only £20 million; this is the second cut of the year, so the figure is £43 million in one financial year. That represents 30 per cent. of the Territorial Army's budget, or 50 per cent. of the TA budget for the last six months of the year to come. It is ill-conceived, and the timing is appalling. What sort of organisation, six months through the financial year, suddenly announces that it is going to cut all funding? Who is responsible for this? Who is going to get sacked? Who is going to be held to account for this decision?

The communication of this decision was equally appalling, as I appreciate that the Minister accepts. For members of the Territorial Army—volunteers—to find out on a Saturday morning via the BBC, rather than their chain of command, that they might have no more training is absolutely appalling. I hope that if nothing else the Minister will apologise to members of the Territorial Army for the manner in which they found out.

The Minister may think he had a problem with the Gurkhas; I fear, however, this will be an even bigger issue for him. Some 37,000 members of the Territorial Army will all be voting at the next general election, so I hope the Minister will find some more concessions. I have been in the TA for nearly 19 years, and I have never known morale so low, given the manner in which this cut has been announced and the way in which the Government have fumbled around for the past two weeks trying to explain exactly what it is going to be.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): I congratulate the hon. Gentleman on focusing the House on this important issue today. I want to reinforce the case that he is making to the Minister for just how important the TA is. I also want to reinforce the case for the vital role that the TA plays not only in the front line, but in linking the military to the civilian community in many parts of the country where there is no other military footprint.

Mr. Lancaster: The hon. Gentleman makes a valid point, and it is a subject that I will return to.

Less than six months ago, we had the strategic review of reserves, which finally gave a clear direction on how the Territorial Army would support the regular Army on operations. This is a fundamental point that shows how short-sighted the Government's decision is. The Minister will argue that members of the TA who continue to be mobilised on operations will have the training that they need. That may be the case in the short term—I will argue against that view in a moment—but the Minister must remember that operational tours in Afghanistan are just six months long. By stopping all training now for the next six months, the current Operation Herrick might not suffer, but future operations will. That will remove the TA's ability to regenerate and to undertake the core basic training that is then built up during pre-deployment training. So in the short term we may just get away with this if the Government are very lucky—although I doubt it—but in the long term this will have a damaging strategic impact on the Territorial Army.

I am pleased to say that the Minister has given some concessions today—a very small step in the right direction. I am hoping, however, that he will recognise that more steps are required and that we will hear more concessions tonight.

The ethos and culture of the TA revolves around drill nights. The Minister has announced today that we can have one training night per month, but not having weekly drill nights will fundamentally undermine the TA's ability to operate in the long term. Having regular training on a Tuesday night is absolutely vital. The Territorial Army is just that—territorial. Linking back to the point made by the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), it is how the community keeps together. Commanding officers have told me that, although they welcome one drill night per month, they need more and are very concerned. For soldiers returning from Afghanistan, that is absolutely imperative. Unlike regular Army soldiers, who have links to their regular unit, the only link that TA soldiers have when they come back is going in on a drill night. If commanding officers cannot regularly see their soldiers returning from Afghanistan, they are simply unable to monitor them for potential stress-related problems and ensure their welfare.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): If TA centres such as the one in Green lane, Scarborough, are used only once a month, might that not be just the excuse the Government are waiting for to start selling off these units up and down the country?

Mr. Lancaster: I certainly hope that that is not the case, but perhaps the Minister will address that point when he winds up.

Drill nights are absolutely vital for the reasons that I have stated, and unless we can get them back I fear for the TA, which cannot simply be mothballed and reopened

in six months. Once we lose the culture of attending a drill night on a Tuesday or Wednesday, pretty soon that slot will be filled with something else. People will start going to the cinema with their wives, and it will be almost impossible to get them back in on a Tuesday night. We should not forget that a TA soldier will be paid just one quarter of a day's pay for a drill night. They may receive two or two-and-a-half days' pay for a weekend, so they can do three months of training on drill nights for the equivalent. That is why the concession is so minor. I believe that the Minister said today that giving one drill night back would cost £2.5 million, but that is relatively small beer in the MOD budget. That is why this is such a penny-pinching move, why it will ultimately be so damaging to the Territorial Army and why I call on him to think again, give greater concessions and allow more drill nights.

Much of the debate has focused on training, and the Minister has made it clear that he is convinced that all soldiers being deployed to Afghanistan will receive the appropriate pre-deployment training. Let us be clear that regular units—formed units—may undergo some 18 months of pre-deployment training before they are deployed on operations. At best, a TA soldier can currently expect to be mobilised some three months before being deployed to Afghanistan, the process culminating in two weeks' testing at the reserve training and mobilisation centre at Chilwell. That is not always the case; colleagues of mine have been mobilised at just three days' notice and have gone straight to the RTMC to be tested.

The proposal is to have a system where the RTMC will no longer be testing soldiers—it will be training them. Already soldiers are being deployed to Afghanistan at risk. The Minister said in the statement that no TA soldier will be deployed at risk, but that was wrong. This is a technical point, but I am concerned that if we are no longer simply testing at RTMC, but training there too, we will be deploying even more soldiers at greater risk. That is fundamentally unacceptable.

The TA contains specialists—I am a bomb disposal officer, although I am not currently in that role. Is the Minister really expecting specialists such as me—a bomb disposal officer—to be able to maintain their skills and potentially be deployed to Afghanistan having had no training for six months? That is ridiculous. I heard what was said by my colleagues at the meeting that the Minister attended this afternoon, so I know that he is beginning to realise the strength of the feeling in all parts of the House—it is being shown in this debate tonight—that this is a fundamentally flawed decision.

Mr. Philip Dunne (Ludlow) (Con): My hon. Friend has referred persuasively to specialists' training, but does he agree that this is also about the training of junior leaders and officers in the TA? If they do not have interaction or training over a period of months leading up to deployment, they have no capacity to do their job and lead men in the field.

Mr. Lancaster: My hon. Friend makes a very important point, on a subject that I was going to discuss: the officer training corps at universities. One of the key shortages in the TA at the moment is of junior officers—there are simply not enough of them in units. One of the key sources of junior officers used to be the officer training corps, but they are now not going to receive any training at all. We are cutting off that inflow of junior officers, so I would be fascinated to know how the Minister intends to replace it.

I hope that the Minister will take this opportunity also to explain to the House exactly how the bounty system will work for the end of this financial year. As many hon. Members realise, not only do TA soldiers get paid a daily rate but, providing they meet their minimum requirements in days and in their military training tests, they receive a bounty. That is a tax-free amount and, depending on how long one has served, it can be up to £2,000—or just under that sum. Having had their training cut off, how are members of the TA going to achieve their bounty requirements?

It appears that commanding officers might have the ability simply to wipe off days and say, "There is no need to fulfil your man training days for the year," and that soldiers will only have to pass their basic military annual training tests. Those tests have already been reduced this year simply to passing a first aid test, doing one's personal fitness assessment, which consists of doing a mile-and-a-half run, press ups and sit ups, and a weapon handling test. Is that really going to be the minimum requirement for a TA soldier to get their bounty? Are we going to have TA soldiers who pass a weapon handling test, yet the first time they will get an opportunity to fire a weapon is when they finally go to the RTMC, perhaps days before they get deployed to Afghanistan? Is the Minister really suggesting that that is adequate pre-deployment training? I cannot believe for one second that he is.

I want to focus on the one Army concept, too. We have made major advances in recent years in bringing the two parts of the Army—the TA and the regular Army—together. Now, when one goes on operations, as I am sure the Minister has seen for himself, one cannot tell who is in the regular Army and who is in the TA. That is a fabulous achievement for the TA over a number of years. We run the risk of pulling the two sides of the Army apart as a result of this decision.

After the reserve review, we formed some hybrid regiments. For example, my former regiment, 101 Engineer Regiment, will now have a regular headquarters, two TA squadrons and two regular squadrons. With this decision, the Ministry is basically saying to the commanding officer, "We realise that you have one regiment, but you now have two very different halves to it. You can train this half, but you cannot train that half. This half can go adventurous training, but that half cannot." How does that underpin the one Army concept? What will it do to morale in the Territorial Army when they see their regular counterparts able to train when they cannot? Does the Minister not even begin to understand what this decision is doing to separate the one Army concept?

Let me say a couple of words on the cadets. They play a vital role in supporting future recruitment to the regular Army and Territorial Army. Only last year, the Prime Minister wrote to the Secretary of State for Defence to ask him to increase the size of the cadet force. How does this decision to reduce all funding for the cadet force underline the Prime Minister's request?

I want to end on the most important point, which is the programme review for 2010. At the moment, TA soldiers face a six-month cut in their training. All they ask is for some reassurance that this cut will not continue

[Mr. Lancaster]

into the next financial year. We are asking TA soldiers not to train for six months, but we might not learn until as late as 31 March whether the cut will continue into the next year. I understand from my sources in the MOD that many options are being run up, whereby these cuts will continue into the next financial year. I am not suggesting that the Minister would ever not be honest in this House, but can we have a degree of honesty when he replies about whether such cuts are being considered for next year? At the very least, will he undertake to announce before December that next year's funding for the TA will come in? That will underline to members of the Territorial Army that he values the TA and that it has a future.

Finally, will the Minister spare me and my colleagues in the TA the platitudes about how much he values the TA? Rather than telling me how much he values the TA and the role that we play in supporting the regular Army, will he give us some actions and decisions through which he will reverse this damaging and short-sighted announcement?

10.33 pm

Mr. Lindsay Hoyle (Chorley) (Lab) *rose—*

Mr. Speaker: Order. Does the hon. Gentleman have the permission of the hon. Member for North-East Milton Keynes (Mr. Lancaster) and of the Minister?

Mr. Hoyle: I asked the hon. Gentleman who secured the debate—I spoke to him earlier.

Mr. Speaker: It is the normal course for the Member concerned to seek the agreement of the sponsoring member, the Minister and the Chair. If the Minister is content for the hon. Gentleman briefly to contribute, I will allow him to do so.

Mr. Hoyle: I put in a proposal for an hour-and-a-half debate, which would have meant less time pressure, but, unfortunately, we have managed only to secure a half-hour debate.

It is important that we take heed of what has been said. However, may I take the Minister a little further? The Government have moved a little on this decision, but they need to reverse the whole decision and find another £20 million to replace this budget cut. Do we really understand the damage? We have touched on the subject of keeping skills at a high standard, whether someone is working in 101 Engineer Regiment or serving on the bomb disposal squad. The same applies to medics, whose skills cannot be turned off and on to suit the whim of the Government. Those skills must be honed week in, week out, ready for deployment. We do not know how many people we will need to back up. We can envisage the role that is required, but in the end we do not have the exact numbers.

The other thing is that many regiments are re-roling—

Anne Milton (Guildford) (Con): Ssh, ssh, ssh. We want to hear the Minister.

Mr. Speaker: Order.

Mr. Hoyle: What a strange lady.

If the main regiments are re-roling, the TA, which backs up those regiments, should also be doing the training. Unless we are to be left with a great void, I appeal to my hon. Friend the Minister to go to the Prime Minister, find that £20 million and reverse the decision.

10.35 pm

The Minister of State, Ministry of Defence (Bill Rammell): I start by genuinely congratulating the hon. Member for North-East Milton Keynes (Mr. Lancaster) on securing the debate, and thank him for providing me with the opportunity to address the House on what I know is an important issue of concern. I also genuinely—not platitudinously—offer my thanks to the hon. Gentleman for his own long service as a member of the Territorial Army, which I know included service on operations overseas.

The TA and the UK reserve forces make a vital contribution to keeping our country safe—to defending our citizens, territory, interests and national security. As we set out in the strategic defence review, members of the TA are no longer held in the role that they served in during the cold war—that of direct territorial defence. They now expect to be mobilised and deployed on a range of operations in support of our defence policy overseas. Like our regular forces, they demonstrate the skills and values that place our armed forces in the top rank—supreme physical courage, commitment, excellence, application, leadership, judgment and selfless duty.

That duty has led to the deployment of 15,000 members of the TA on operations since 2003. More than 540 members of the TA are currently serving in Afghanistan. Like our regular forces, members of the TA stand ready to make the ultimate sacrifice. Tragically, 14 Territorials have died on operations in Iraq and Afghanistan. I pay tribute to their heroic efforts. We will not forget the price that has been paid.

When we have forces on the front line, both regular and reserve, putting their lives on the line for us, they have to be the priority. That is why Afghanistan comes first for defence. It is our main effort. It rightly gets first call on equipment, and first call on training and support. We are spending increasing sums from the Treasury reserve and the direct defence budget to do this. Additional spending on operations in Afghanistan has risen from £700 million three years ago to more than £3 billion this year. That is over and above the defence budget.

We have approved more than £3.2 billion-worth of urgent operational requirements specifically for Afghanistan. That additional spending has allowed us to more than double helicopter capacity compared with 2006, to quadruple the numbers of mine-protected Mastiff and Ridgback vehicles compared with six months ago, to increase specialised troops and equipment to target improvised explosive devices networks, and crucially, to deploy around 1,000 more troops in a little over six months, and to budget for a further increase if the conditions that we have set out are met.

Mrs. Madeleine Moon (Bridgend) (Lab): Will my hon. Friend give way?

Bill Rammell: Very briefly.

Mrs. Moon: Does my hon. Friend agree that the other vital role of the Territorials is that they bring to the ordinary workplace an understanding of what our front-line troops are experiencing? They bring an understanding of the training needs, the equipment that is used, and the problems that they face. To destroy that connection is extremely damaging.

Bill Rammell: I emphatically understand the importance of that organic connection with the community. It is certainly not our intention to undermine or destroy it.

I return to the point that I was making. Making every effort to support and resource our operations in Afghanistan is not only a matter of drawing on the Treasury reserve. Many parts of the core defence budget, such as recruitment and basic training, contribute as well, so we need to re-prioritise the core defence budget too. Whatever way people argue, that inevitably means that tough choices will need to be made.

It is a very positive sign for the future that recruitment to the Army has experienced a significant boost this year—9,450 recruits are expected to complete training this year, more than 1,000 up on last year and 1,500 more than the year before that. Bringing the Army towards full manning is part of what the main effort is all about. It will also help us to meet the harmony guidelines for our regular forces and relieve pressures brought about by Afghanistan operations. But those new recruits will cost money to pay, train and equip—extra money that cannot be drawn from the Treasury reserve for that purpose. It has to be found within existing budgets, so there is a hard choice to make.

We have asked each area of defence to look at uncommitted budgets in this year and to prioritise in the context of Afghanistan. The Chief of the General Staff came forward with proposals from the Army to help to bring the budget into balance in the light of that recent recruitment boost. After discussion, the Secretary of State endorsed that advice from the military. He did so, being clear that we will not allow any risk to the Afghanistan campaign in the future to materialise. That is at the heart of what it means for Afghanistan to be the main effort, and we make no apologies for moving resources in that direction.

Sir Robert Smith: Will the Minister give way?

Bill Rammell: No, I have to make some progress.

I shall now set out those measures as they affect the Territorial Army, as the hon. Member for North-East Milton Keynes has asked me to. The Army has proposed, as part of its contribution to bringing budgets towards balance this year and as a contribution to the main efforts, that it will reduce the amount spent on the Territorial Army this year which is not directly related to Afghanistan. That initial proposal was to suspend the remainder of this financial year's TA activity that was not directly supporting operations, contributing £20 million to a total saving of £43 million in the TA budget this year.

In saying that, let me be crystal clear: no individual deploying to Afghanistan does so without the required training; no TA soldier will be deployed on operations unless the Army is satisfied that he is properly trained and prepared; and there is emphatically not a cut to pre-deployment training. The training needs of TA personnel deploying to Afghanistan will continue to be individually assessed, and each will receive the training that they need before they begin the pre-deployment training that is specific to the operation upon which they embark. For reserves, that training is then validated at the reserves training and mobilisation centre and by the Permanent Joint Headquarters, before individuals are mobilised to join a formed unit for an extended period of collective training ahead of operations.

My right hon. Friend the Secretary of State and I have listened to the comments and representations that hon. Members have made in recent days. Although we have always been clear during the debate that those deploying to Afghanistan will get all the training that they need, we do understand the concerns that have been expressed about the effect on those who are not due to deploy in the foreseeable future. I of course understand why people might be concerned about the longer-term effect on capability if the current situation continues indefinitely.

In the short term, the Army is clear that the measures can be managed without impact on support for current operations. But, we are all clear that we will not allow any longer-term risks to materialise. We recognise that in some quarters there are genuine concerns that, if the habit of TA activity is lost for a few months, some of our volunteers may drift away and never return; and we understand that the TA is more likely to come through this difficult period in good order if its members are encouraged to come together regularly, even if not as frequently as in the past.

We will therefore ensure some degree of continuity for those who are not deploying to Afghanistan in the next few months. Taking all that into account, we announced today—I did so earlier today in the Chamber—a small adjustment to the measures that we proposed. We are reducing the saving by £2.5 million to fund one training evening per month for all TA personnel from now until April 2010. I hope the hon. Gentleman will welcome that change, because it is one that he called for.

Mr. Lancaster: The Minister just said that he will introduce one TA drill night for all TA personnel, so that includes specialist units as well, does it?

Bill Rammell: It is for everyone concerned. As I said, I hope that the hon. Gentleman will support the measure, because I know it is one that he called for. How individual TA units arrange it will be a decision for their chain of command.

Let me also say to the hon. Gentleman, as he has raised this point, that we do not propose to close any TA centres. However, I must emphasise that the remainder of the savings measures are unavoidably necessary in these challenging times and to focus spending on Afghanistan. Resources are tight, and I am sure the House agrees that we have to ensure that our mission in Afghanistan gets all the support it needs.

As I have said, the precise training that is affected is being determined locally, depending on local circumstances and priorities, and commanding officers have some flexibility in the implementation of savings measures. All new recruits to the TA will continue to receive phase 1 training. TA personnel who have not yet qualified for their annual training bounty will have the opportunity to undertake training to enable them to qualify. The

[Bill Rammell]

hon. Gentleman's cursory description of the training that will be available to get that bounty did not bear any relationship to what we propose.

I sympathise entirely if those restrictions cause local TA units to review commitments that they have made to public events. I am told that many units are deciding to honour, without payment, commitments such as providing support for remembrance activities, and they are to be applauded for doing so. I hope that as many TA bands as possible will feel able to continue supporting local remembrance events.

We are still working on the full details of the savings measures, but at this stage we do not anticipate that any TA centres will close as a result. We are very keen to maintain links with the employers whose invaluable support is so crucial to the TA. Liaison with current and prospective employers will continue via regional reserve forces, cadet associations and the Government's Supporting Britain's Reservists and Employers initiatives. Some regional TA activities will be cancelled, but that will have little, if any, effect on relations with employers. I realise that reductions in normal activity are disappointing for TA members. However, I hope and believe that the majority will understand the reasons behind those reductions and the exceptional circumstances in which they are being applied.

On communication, I repeat the regret that I expressed earlier today that members of the TA found out about changes through the press, rather than through the chain of command. There has been an historic practice in the armed forces, under successive Governments, that such changes are communicated and cascaded through the chain of command. In this day and age—in the media environment in which we operate, with the 24/7 media—I do not think that is good enough. We need to reflect on that issue and to make improvements. I also repeat the commitment that I gave earlier today that the changes will be kept under active review.

Let me conclude by giving a commitment. I take on board what the hon. Gentleman has said about reassurance for the future, and I think it is incumbent on us in the Ministry of Defence to reach conclusions on the budget for 2010 as quickly as possible in order to give that reassurance. The TA is doing an incredibly good job on behalf of all of us, and we should support that. I hope that the change that I have announced today will be welcomed right across the House.

Question put and agreed to.

10.47 pm

House adjourned.

House of Commons

Tuesday 27 October 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

LEEDS CITY COUNCIL BILL *(BY ORDER)*

Consideration of Bill, as amended, opposed and deferred until Thursday 5 November (Standing Order No. 20).

READING BOROUGH COUNCIL BILL *(BY ORDER)*

Consideration of Bill, as amended, opposed and deferred until Thursday 5 November (Standing Order No. 20).

Oral Answers to Questions

COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Contingency Arrangements (Fire Service)

1. **Angela Watkinson** (Upminster) (Con): What role his Department plays in making contingency arrangements in the event of industrial action by the fire service. [295520]

The Secretary of State for Communities and Local Government (Mr. John Denham): The making of contingency arrangements for emergencies, including industrial action, is the statutory duty of individual fire and rescue authorities.

Angela Watkinson: As a member of a fire service family, I know that nobody joins the fire service to earn a lot of money; they do it because they believe that it is a very important public service. In an answer to a previous question, the then Minister indicated that his Department did not keep copies of existing contingency plans, which must vary widely from one authority to another. Will the Minister therefore take a view on whether firefighters should be obliged to cross the picket lines of another fire and rescue authority?

Mr. Denham: I do not follow the connection between the main part of the hon. Lady's question and the second part. Fire plans are the responsibility of the fire and rescue authorities. The Audit Commission reviews those plans, as it reviews other things covered by the comprehensive performance assessment—of course, we are always in close contact with the Chief Fire Officers Association on those issues.

John McDonnell (Hayes and Harlington) (Lab): The Secretary of State will be aware that, in protecting the lives of our constituents, firefighters provide a service that is second to none in this country, and we congratulate them—the number of them who have died in recent years is a tribute to the sacrifice that is made. The Secretary of State will be aware also of the recent dispute in South Yorkshire, which arose as a result of management seeking to impose new work schedules and conditions on firefighters, so will he join me in urging management to seek a negotiated settlement rather than provoking industrial action?

Mr. Denham: I join my hon. Friend and, indeed, the hon. Member for Upminster (Angela Watkinson), who asked the first question, in paying tribute to firefighters and the role that they play. Under all such circumstances, including the one to which my hon. Friend has referred, negotiated ways forward are preferable, and mechanisms exist through which arbitration, mediation and conciliation should and could be explored.

Mrs. Caroline Spelman (Meriden) (Con): I begin by welcoming the Under-Secretary of State for Communities and Local Government, the hon. Member for Stevenage (Barbara Follett) to her new Front-Bench role. Will the Secretary of State confirm that, in the event of fire service strikes, there are no contingency vehicles, because the green goddesses have been sold off to places such as Albania and Peru, and that there are no contingency contracts outside London, because of the collapse of Project Fireguard? The Secretary of State seems unaware that his predecessor told me that no contingency plan was held at the centre, which surely cannot be an adequate state of affairs.

Mr. Denham: The hon. Lady is well aware that the responsibility for contingency plans lies with the fire and rescue authorities, and a moment ago I explained the relationship between central Government and that responsibility. It is perfectly true that the world has moved on since the era of the green goddesses, when the armed forces were expected to step in and provide nationally organised contingency cover. I always regret any local disputes that arise, but in those circumstances we have seen the use of locally made contingency arrangements, and, as far as I have been able to tell, they have operated satisfactorily.

Mrs. Spelman: Nothing seems to exist, therefore, at the centre. As the threat of fire service strikes continues, our country faces a winter of discontent, with rubbish piling up in the streets and Christmas post gathering dust in sorting offices. With no leadership and no authority, this Government have become a sitting target for their union paymasters, so will the Secretary of State now accept that in the event of further fire service strikes, contingency staff must be allowed to cross the picket lines?

Mr. Denham: The hon. Lady would obviously like there to be such a winter, because she would love to see anything that might damage this country. However, a decision was taken quite deliberately a number of years ago to make it clear that responsibility for contingency cover lay locally with the fire and rescue authorities, and that is the strategy that has been pursued. Based on that strategy, the Audit Commission reviews the quality of the arrangements that are in place, and we have a close relationship with the chief fire officers. I must say that, in so far as I can see, the strategy of local responsibility for contingency arrangements is the correct one.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Reference has been made to the dispute in South Yorkshire, where we have had one day's strike and more are threatened. I am sure that my right hon. Friend will agree that, however good the contingency arrangements, they cannot give the public the same protection as a fully functioning fire service. Will he therefore publicly encourage both sides to take a step backwards, the management to withdraw their highly controversial dismissal notices, the unions to withdraw their threat of strike action and both to go together to the joint secretaries, with the possible help of ACAS, to try to get a considered, negotiated settlement?

Mr. Denham: My hon. Friend makes a good point in a measured way. As I said earlier, there are various routes—he mentioned two, and there may even be others—that would lead to arbitration, mediation and conciliation, with the opportunity for both sides to find a way forward that avoids the need for industrial action.

Sheltered Accommodation

2. **Bob Spink** (Castle Point) (Ind): What assessment he has made of the effects on residents in 24-hour resident warden service sheltered accommodation. [295522]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): We have set up a working group, led by my ministerial colleague Lord McKenzie, which is examining a wide range of issues in relation to wardens and sheltered housing. The group includes a range of organisations such as Help the Aged, Age Concern and the National Housing Federation, and it is working on a series of projects, including looking at different ways of providing support to older people, and highlighting the pros and cons of those different approaches. We will evaluate the overall benefits to residents of each one.

Bob Spink: Sheltered accommodation wardens in Castle Point, as elsewhere, are unsung heroes. Does the Minister agree that they are worth their weight in gold, since their small cost saves millions of pounds in social and health care costs that would arise were they to be disbanded or inappropriately used? Will he look carefully at this and ensure that wardens are protected in our sheltered accommodation?

Mr. Austin: I join the hon. Gentleman in paying tribute to the job that wardens do; they provide a crucial, valuable and, in many cases, life-saving service. I also pay tribute to all those who care for older people, including those providing floating support in the community. I assure him that we will keep this issue under very close review—as he knows, because only last week he was raising the concerns of people in his constituency in debate. On a general point, exactly how these services are provided should be a decision for local authorities, not dictated by me or by other Ministers in Whitehall.

Stephen Pound (Ealing, North) (Lab): I never thought that I would stand here and say that I agree entirely with the points made by the hon. Member for Castle Point (Bob Spink), but I do—although I have to say that in Ealing, North we have heroes and heroines. May I ask my hon. Friend to make every endeavour not to repeat the compulsory competitive tendering mistakes of the past and to recognise the importance of added value in terms of individuals' quality of life and health? I urge him to take that into consideration during the review.

Mr. Austin: My hon. Friend is absolutely correct in everything that he has said about the valuable role that wardens play in his constituency and elsewhere in the country. I am happy to meet him to discuss this in more detail.

Mr. Paul Goodman (Wycombe) (Con): As the Minister has said, there was a useful debate on this matter last week in Westminster Hall. As well as paying tribute to the work of wardens, does he agree with Imogen Parry of ERoSH—the Essential Role of Sheltered Housing—who said:

"Many residents are pleased with changes that have been made to their support services, including a move away from resident warden services, particularly…when they have been fully involved in the process"?

Does he agree that it is consultation, first, last and always, that matters with elderly and vulnerable residents?

Mr. Austin: The hon. Gentleman is absolutely correct. This is not a party political matter. He makes some serious points about consultation. Residents and those affected by any changes in the services they receive should be properly consulted about those changes. There should be proper and meaningful consultation before changes are made, and people's views should be taken properly into account.

Planning (Open-cast Mining)

3. **Mark Pritchard** (The Wrekin) (Con): If he will revise the planning guidelines concerning buffer zones between residential dwellings and open-cast mining sites in England. [295523]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): All relevant environmental issues were considered by the independent inspector and the Secretary of State.

Mark Pritchard: I am grateful for that reply, but I was not going to ask about the specific planning consents that the Minister has referred to. None the less, that is relevant in the sense that if he lived in Scotland or Wales, no open-cast planning consent would have been given to his local authority because of the 500-metre buffer zone requirements, whereas in England only 250 metres is required. Does he think that that is fair?

Mr. Austin: I know that this is a controversial issue in Shropshire, but I hope that the hon. Gentleman is not going to turn it into a party political row, especially since my hon. Friend the Member for Telford (David Wright) has been working just as hard as he has to represent constituents on this subject. Just because we do not have a blanket policy on buffer zones in England, it does not mean that the impact on nearby housing and other environmental matters are not taken into account during the planning process—in fact, they are the key issues that are considered.

Mr. Denis MacShane (Rotherham) (Lab): On the narrow point about planning guidelines and applications, is the Minister aware of the widespread concern that there are proposals to put them only on the internet in future and not to print them to be published on lamp posts and hedgerows or in local papers? Will he assure me that the Government and his Department will seek to maintain printed publication of planning applications, so that all our constituents can see them in their local papers?

Mr. Austin: We have an open consultation on this issue at the moment, and we will consider my right hon. Friend's point carefully. If he would like to meet me or my colleagues to discuss it in more detail, we would be delighted.

Regional Spatial Strategy

4. **Mr. Mark Harper** (Forest of Dean) (Con): What his Department's timetable is for the revision of regional spatial strategies. [295524]

The Secretary of State for Communities and Local Government (Mr. John Denham): To date six regions have published their final revision to their regional spatial strategies: the east of England, Yorkshire and the Humber, the north-east, the north-west, the east midlands and the south-east. The west midlands is taking a phased approach to the full revision of its RSS. Phase 1, covering the black country, was finalised on 15 January last year. I expect to consult on any proposed changes in phase 2 in the new year. The south-west strategy was due to be published last summer, but in light of a legal judgment on a sustainability appraisal, we have agreed to do some further work and consultation. We aim to publish it in 2010.

Mr. Harper: Given that the south-west RSS consultation has had, as one civil servant put it, more responses than any other planning proposal in British history, most of them raising objections, is it not about time that the Secretary of State listened to what those people are saying, took up our proposals, scrapped the RSS and gave those powers back to locally elected councillors?

Mr. Denham: No, I do not agree, for the same reason that the Home Builders Federation said what a threat the Opposition's policies were to housing and growth in this country. The Government's view is that regional spatial strategies [illegible] tool in ensuring that there is sufficient housing [illegible] families and children in the years ahead and that there is scope for industrial development and growth. The Opposition, in the middle of our current economic difficulties, are causing enormous damage and uncertainty through the ludicrous letter circulated by the hon. Member for Meriden (Mrs. Spelman) on their behalf.

Phil Wilson (Sedgefield) (Lab): Twenty per cent. of Gypsies and Travellers have no legal camping place, which is why my constituents in Thornley are seeing large numbers of Travellers camping in the centre of their village, causing much tension. Do the Government have any plans to provide funding for legal camping sites in future? What pressure can my hon. Friend place on local authorities to follow their own guidelines, and will he or one of his team meet me to discuss the matter further?

Mr. Denham: I am happy to meet my hon. Friend to discuss two things: first, ensuring that his local authority and the police are using fully the extensive powers that now exist to move on illegal encampments without undue delay; and secondly, using the money that is available to enable new sites to be created, which gives the police even stronger powers to move people on quickly.

Mr. John Gummer (Suffolk, Coastal) (Con): Will the Secretary of State help me to explain to my constituents why the people of Suffolk cannot have their own spatial strategy instead of having to have one that is driven by Stevenage and Luton, neither of which is anywhere near nor has any of the same problems as them?

Mr. Denham: The right hon. Gentleman has considerable experience in these matters, and he will understand that providing sufficient land to house the people of this country in future is a challenge that has national, regional and local dimensions. His party's policy of removing entirely any sense of national or regional consideration, or considering the interests of families that will need homes in future and people who need jobs now, is absolutely wrong.

Mr. James Plaskitt (Warwick and Leamington) (Lab): Warwick district council has just finished its consultation period on its options within the RSS, which are being clearly rejected by the community. I believe that the council needs to reconsider and return with alternative proposals. Will my right hon. Friend support my suggestion to the regional Government office that the council be given some extra time to work on that without jeopardising its additional grant?

Mr. Denham: I set out a timetable earlier suggesting that in the next phase of the west midlands RSS, proposed changes would be published for consultation in the new year with a revision later in the year. I hope that that gives scope for proper discussion of these important issues in the way that my hon. Friend wants, but if he has further concerns, I invite him to write to me about them and I will give him more details on the likely time scale.

Julia Goldsworthy (Falmouth and Camborne) (LD): Does the Secretary of State agree that the regional spatial strategy process has undermined people's confidence in the planning system? Why does he think that so many people are so angry?

Mr. Denham: It is quite understandable that people look at these issues from a local point of view and at questions about what communities want to see in an area, but I say to the hon. Lady—I hope that she will explain this to her constituents—that we need to ensure that we have sufficient land for housing, growth, economic development and jobs for the future. That cannot be a purely local decision; it must have regional and national elements. I hope that she is not joining with the incredibly damaging position of Conservative Front Benchers in saying, "Jobs don't matter. Housing doesn't matter. Growth doesn't matter." All they want is local populism. There are difficult choices to be made, and we need political parties in this country that, unlike the party opposite, will face up to those difficult choices.

Julia Goldsworthy: Does the Secretary of State not realise that it is the lack of transparency and accountability in the process that frustrates people so much? I shall quote to him the comments of the planning inspector in relation to the south-west draft RSS:

"The emerging RSS has reached an advanced stage...and so its policies may be given significant weight."

Why is a draft document that has not been signed off been given such importance when planning appeals are being considered?

Mr. Denham: The reality is that we have moved from the previous guidance to the regional spatial strategies and are now going through an extensive and, I believe, open process of consultation, as those strategies are developed. As the new leaders boards come into place, that will provide a further degree of oversight and scrutiny to the process. Inevitably, people will not always like what is in the strategies, but I reject the hon. Lady's contention that there is something secretive about the process. As the hon. Member for Forest of Dean (Mr. Harper) said earlier, there have been masses of public representations, a great deal of debate and a great deal of openness.

Joan Walley (Stoke-on-Trent, North) (Lab): Given the curtailed debate last week on clause 67 of the Constitutional Reform and Governance Bill, will the Secretary of State ensure that planning guidance to the new regional development agencies on the regional spatial strategies will give weight to environmental as well as economic concerns?

Mr. Denham: Indeed. My hon. Friend might be interested to know that the draft consultation paper and guidance on implementing the new strategies include an important quote about sustainable economic growth. It says that sustainable economic growth means

"economic growth that can be sustained and is within environmental limits, but also enhances the environment and social welfare, and avoids greater extremes in future economic cycles."

Robert Neill (Bromley and Chislehurst) (Con): Will the Secretary of State accept that his strictures might have a little more weight if his own Government were not failing by delivering less housing than at any time since the war? Before he misrepresents other people's policies, will he consider withdrawing the guidance on the use of the draft strategy, which has been described by planning experts as

"driving a coach and horses through strategic environmental protection."?

Mr. Denham: I tell the hon. Gentleman that it was not me but the chief executive of Taylor Wimpey who described his party's policies as "scary as hell"—I hope that that does not breach any parliamentary code—because of the uncertainty being created. The hon. Gentleman will know that my right hon. Friend the Minister for Housing has made available significant additional new money to kick-start private sector housing schemes and to get new social housing under way—all measures that his party has opposed in saying that our Department's budget should be cut and that there should be no fiscal stimulus. He cannot criticise our record, and he has to admit that he would do far, far less.

Regional Spatial Strategy

5. **Mr. Christopher Chope** (Christchurch) (Con): When he expects the final version of the regional spatial strategy for the south-west to be published. [295525]

The Secretary of State for Communities and Local Government (Mr. John Denham): We have decided to carry out additional sustainability appraisal work to appraise alternatives to the areas of search for strategic development introduced or amended by our proposed changes to the RSS. It is expected that this additional work will be completed early in the new year. We will then decide what action we need to take to complete the strategy in the light of the appraisal's findings.

Mr. Chope: Will the Secretary of State concede that his Government's plans to destroy the south-east Dorset green belt have now been successfully thwarted? Will he concede also that the south-west regional spatial strategy, like this Government, is a dead duck?

Mr. Denham: The hon. Gentleman knows from the strength of my previous answers why I think that that would be absolutely disastrous. If the policy put forward by his spokesman were put into practice—the policy of abandoning the strategies and failing to make available the land needed to house families in this country or to create the possibility of jobs or economic development—it would be an absolute disaster. I will do everything that I can to prevent that from coming about.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend accept that when we talk about the regional spatial strategy, we are talking not just about house building, but about other key issues, such as transport? I have just had an Adjournment debate on the redoubling of the Kemble to Swindon line. If we do not have regional co-ordination, transport will be one of the great losers. Is that not a strong argument for regional government and regional accountability?

Mr. Denham: My hon. Friend is right. I have probably made my attack on the Opposition too narrow. The reality is that they would not just sweep away land for housing and jobs; they would sweep away all regional transport planning. They would also sweep away the regional development agencies, which have been so crucial in pushing economic development, particularly over the past year.

Planning Policy Guidance

6. **Derek Wyatt** (Sittingbourne and Sheppey) (Lab): What recent changes have been made by his Department to planning policy guidance affecting rural areas. [295526]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): No recent changes have been made to planning policy in respect of rural areas.

Derek Wyatt: May I bring to my hon. Friend's attention the fact that Kent science park has recently been allowed to extend on to green land? That was done with his Department's knowledge and before the transport analysis

had been done in respect of exit 5 of the M2. Will his Department do some joined-up thinking, so that transport is taken into consideration before more is done on green land?

Mr. Austin: I know that my hon. Friend is working hard to represent local people and raise their concerns on the issue. The local authority needs to consider the proposal in line with its development plan and other material considerations in the usual way.

Mr. David Heath (Somerton and Frome) (LD): I wonder whether the Minister will answer the question that the Secretary of State ducked twice, which is this: why is the south-west spatial strategy, which has been roundly condemned up and down the peninsula and which has now gone back to the drawing board, still being used in guidance as a basis for planning in the rural areas of the south-west?

Mr. Austin: I think that the Secretary of State gave an excellent reply.

David Taylor (North-West Leicestershire) (Lab/Co-op): I would not want to tear the Minister away from Dudley at a weekend, but will he come the short distance up the M42 to North-West Leicestershire to meet me, Mr. Steve Leary and the Minorca open-cast protest group to look at the impact of the application on the eastern fringe of the large village of Measham? He might then give a different answer from the one that he gave to question 3 a moment or two ago.

Mr. Austin: I would be delighted to visit my hon. Friend's constituency and listen to what he has to say in more detail.

Mr. Stewart Jackson (Peterborough) (Con): On 11 July 2007, the Prime Minister told the House:

"I assure the House that we will continue robustly to protect the land designated as green belt."—[*Official Report*, 11 July 2007; Vol. 462, c. 1450.]

The day before, his official spokesman told the Lobby:

"We are not proposing any changes to our very robust protection of the green belt."

Why then are regional spatial strategies, which are signed off by Ministers, currently deleting the green belt across the whole country?

Mr. Austin: That is nonsense. We have not changed our policy on the green belt and we have no plans to do so. Green belt has actually increased by 34,000 hectares since 1997, while 80 per cent. of development takes place on brownfield land. The hon. Gentleman should be telling his constituents and the rest of the country why the Conservative party has adopted a policy that is anti-growth, anti-housing and anti-doing anything to get us through this recession.

Council House Building

7. **Mr. Peter Kilfoyle** (Liverpool, Walton) (Lab): What rules apply to local authorities in the first and second rounds of the council house building programme. [295527]

The Minister for Housing (John Healey): All local housing authorities in England are eligible to bid for the programme. Last month, I announced grants for 49 successful councils that, in this financial year, will start the biggest council house building programme in this country for nearly two decades.

Mr. Kilfoyle: Is the Minister aware that, despite the long waiting lists for housing in Liverpool, the city council, which holds no housing stock itself, has made no application under the rules? It has, however, recently managed to appoint a new assistant executive director of housing at a salary of £102,000 a year, plus a 10 per cent. bonus. Does my right hon. Friend think that that is in the spirit that the Government are trying to foster in relation to accommodating people in need of housing? Does he also agree that it is typical of Lib Dem authorities?

John Healey: Like my hon. Friend, I was disappointed that Liverpool did not bid. I was disappointed that it chose not to see the chance to build new council homes for people in the city as a priority, and that, like other flagship Liberal councils in Hull and Newcastle, it did not bid. I am, however, able to ensure that other parts of the housing investment programme mean that, whatever stance the council takes, there will be investment in Liverpool. Last month, I visited a very good Kickstart scheme in Gilead street, where more than 50 new homes will be built as a result of the investment that we are ready to put in to help private developers to kick-start sites that have stalled in the recession.

Affordable Housing

8. **Chris McCafferty** (Calder Valley) (Lab): What his most recent assessment is of demand for affordable housing in Yorkshire and the Humber. [295528]

The Minister for Housing (John Healey): We expect local authorities to assess the demand for housing as part of their strategic role. As part of trying to encourage the building of the homes that we need, and of getting the country through the recession, I was able to put together an extra £1.5 billion over this year and next to build the affordable homes that we need in this country. I am happy to say to my hon. Friend that the Yorkshire region is already benefiting from more than £63 million.

Chris McCafferty: I thank my right hon. Friend for the investment that the Government are putting into Yorkshire and the Humber. I am sure that he is aware, however, of the disappointing statistics for 2009 from the National House-Building Council, which show that the number of new houses completed in the region is down by more than 50 per cent. What plans does he have to kick-start affordable housing and to create jobs in the local construction industry, especially in semi-rural areas such as the Calder valley?

John Healey: The £63 million that I have been able to release since June for affordable homes in Yorkshire and the Humber will lead to 6,000 extra affordable homes, and I hope that there will be more to come. The housing need there, as in other regions across the country, requires the Government to play their part alongside the private sector, if we are to see the affordable homes that we need being built.

Philip Davies (Shipley) (Con): Because of excessive Government housing targets, there are plans for some beautiful countryside in Micklethwaite in my constituency to be concreted over so that houses can be built on it. If the Government are so obsessed with affordable housing, why do they not ensure that more houses are built in those parts of Yorkshire that have cheaper houses, rather than in beautiful countryside in my constituency?

John Healey: I am amazed that the hon. Gentleman can stand up in this House and suggest that there are no young couples, no families and no elderly people in his constituency who need homes. That is why we are ready to invest in this programme, not only in his constituency but right across the country, and it is why the Government must play a leading part in it.

Housing Pledge (Apprenticeships)

9. **Christine Russell** (City of Chester) (Lab): What duties in relation to apprenticeships will be placed on house builders and developers as part of the housing pledge. [295529]

The Minister for Housing (John Healey): Last month, I announced that all future rounds of funding for house building in this country—under the new housing pledge and the affordable housing programme—will require those taking the Government grant to have in place apprenticeship schemes. This means that, over this year and next, we will be able to create an additional 3,000 apprenticeship places across the country.

Christine Russell: I recently visited the further education college in my constituency. It is getting a new campus, and it will train the new generation of construction workers. While I was there looking at the new building, however, I was lobbied by some of the mature students. They asked whether there would be any jobs for them, and whether there would be any homes for them. In west Cheshire, 13,000 people are waiting for housing. What more can be done to encourage local authorities to bring forward their surplus sites?

John Healey: If my hon. Friend wants to take a message directly to her own local authority, it should be this. It should bid for the funds we are making available for building; it should drive a harder bargain with its private developers; it should encourage housing associations in the area to build more homes; and it should be ready to give the go-ahead to sensible developments that will lead to the sort of homes that people need in my hon. Friend's area and to house building that can bring jobs for the people she was talking to at her local college.

Business Rates

10. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will undertake an impact assessment of the 2010 business rates revaluation. [295530]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): As regular revaluations of the business rate system are required by statute, no impact assessment for 2010 is necessary. However, an impact assessment of the proposed 2010-11 transitional relief scheme, which caps revaluation increases at 5 per cent. for small properties and 12.5 per cent. for larger ones, was published on 8 July.

Sir Nicholas Winterton: With next year's revaluation set to hit smaller businesses disproportionately, not least because of the severe recession and debt problems, does the Minister, who I wish well in her new responsibilities, agree that it would be sensible, pragmatic and right to make small business rate relief automatic to every eligible firm?

Barbara Follett: I share the hon. Gentleman's concern about small businesses. I am glad to say, particularly when I know that his constituency has many empty shops as retailers have been badly affected by the recession, that retailers will be largely unaffected. They should see a reduction in business rates of 1 per cent., while in industry and manufacturing we will see a fall of 3 per cent. in business rates.

Justine Greening (Putney) (Con): The Minister says she is concerned about the impact on small companies, but a report from Westminster city council today includes a survey showing that one in three businesses facing large rates rises believe that they will go bust as a result of them—with devastating effect on jobs and communities. Nationally, there are 700,000 companies, most of them small ones, facing rates rises; what assessment has the Minister made of how many of them will go bust as a result? If Westminster city council can do it, why cannot she?

Barbara Follett: I can assure the hon. Lady that we are very concerned and actively watching the situation with small businesses, and that much of what is coming from the press and the Opposition at the moment is exaggerated. For example, the hon. Lady says that businesses in Westminster are facing rate rises of 10 per cent., but our calculations show that, with inflation and relief, none will face more than 3 per cent.

Local Spending Reports

11. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): If he will publish the local spending reports which have been made under the Sustainable Communities Act 2007. [295531]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): The first local spending report was published on 29 April this year, following the first phase of our consultation on this topic. The report is available on the DCLG website.

Mr. Evennett: I thank the Minister for that response, but it has been estimated that unelected quangos now spend £64 billion a year—equivalent to more than £2,500 for every single household. Why are the Government so reluctant to fulfil their pledge and allow local spending reports to publish figures on quango expenditure in local areas?

Barbara Follett: The Government are not reluctant to allow quango expenditure to be included in local spending reports. In fact, what we want to do is develop local spending reports to include this amount, but we have to look at the cost-effectiveness of doing so, and we are not in a position to include quangos at the moment.

Local Government (East Anglia)

12. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of local authorities from East Anglia to discuss local government reorganisation. [295532]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): There will be an opportunity for delegations, including local authorities, to make oral representations to Ministers once the independent boundary committee's process is concluded, following the outcome of the ongoing Appeal Court case.

Mr. Bellingham: Is the Minister aware that these proposals have been met with overwhelming opposition throughout Norfolk and Suffolk? She mentioned the case in the Appeal Court. Why is the boundary committee spending tens of thousands of pounds on appealing against the earlier judgment? Surely the time has come for her to tell the boundary committee to put a stop to these discredited proposals.

Ms Winterton: Obviously, we are awaiting the outcome of the Appeal Court hearing. The hon. Gentleman asked why the process was taking so long; I assure him that we will act as quickly as possible to bring it to a conclusion following the outcome of the hearing. Until then, it would not be appropriate for me to comment.

Christopher Fraser (South-West Norfolk) (Con): Does the Minister accept that the Government's proposals will place a financial burden on all households in Norfolk for something which—as my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) pointed out—local people simply do not want and do not need?

Ms Winterton: As I have said, while the boundary committee process is ongoing, it would not be appropriate for me to comment on particular patterns of the proposals. I should add, however, that there is clear evidence that unitary local government can bring substantial efficiency gains, which can then be used to improve services or reduce council tax. I know that that is not a policy followed by the hon. Gentleman's party.

Wirral Borough Council (Asset Review)

13. **Ben Chapman** (Wirral, South) (Lab): What recent discussions he has had with Wirral borough council on its proposals to transfer assets to community ownership. [295533]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Shahid Malik): Through the advancing assets demonstration programme, which my Department funds, support has been given to Wirral borough council and its community partners since mid-2008 for implementation of the strategic asset review. I pay tribute to my hon. Friend for his sterling campaigning work, not least in regard to saving library services.

Ben Chapman: Initially, Wirral council provided little information for community groups on its strategic asset review and transfer, and even fewer resources. That has caused concern to constituents of mine who want their local halls to be preserved and to prosper. What advice can the Govt provide in terms of benchmarks, management structures, finances and experience elsewhere?

Mr. Malik: This is an important development, which is why, between 2007 and 2011, we shall have invested £5 million in it. A number of organisations are supporting Wirral, including Community Matters and the Development Trust Association. All those organisations can provide access to practical advice and guidance, as well as links to other organisations throughout the country and case studies.

I understand that Wirral has made it clear that it is prepared to consider undertaking capital works to upgrade buildings and providing revenue support thereafter, but if my hon. Friend continues to be concerned, I shall be happy to meet him to discuss the matter.

Green Belt

14. **Mr. Brian Binley** (Northampton, South) (Con): What steps the Government are taking to protect green belt land from development; and if he will make a statement. [295534]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): The Government's policy is expressed in "Planning Policy Guidance 2: Green belts", which was issued in 1995. It has served the country well, and the Government have reaffirmed that there are no plans to change green belt policy.

There is a presumption against inappropriate development on green belt land. Such development should not be approved except when any harm to the green belt would be clearly outweighed by other considerations, and when there are very special circumstances to justify development. Green belt boundaries can be changed only in exceptional circumstances, through the development plan process, which must involve robust public consultation and independent scrutiny.

Mr. Binley: I am sure that, like me, the Minister welcomes the display of people power which overwhelmingly rejected a ludicrous proposal to build 18,000 homes on greenfield land south of Northampton without any real thought being given to infrastructure or, indeed, to job growth. Will he now tell us when he will scrap the quango which the Government set up five years ago, and restore planning powers to local councils?

Mr. Austin: It is a great shame that the Opposition take every possible opportunity to argue against proposals for housing, growth, strengthening the economy and taking Britain out of recession. They ought to be using this Question Time to explain why the hon. Member for Meriden (Mrs. Spelman) said that she would revoke the regional spatial strategies, why she urged Conservative town halls—even before the passing of primary legislation—

Mr. Speaker: Order. I am grateful to the hon. Gentleman, but what we need is a description of the Government's policy, not that of the Opposition.

Free Swimming Scheme

15. **Shona McIsaac** (Cleethorpes) (Lab): What recent discussions he has had with the Secretary of State for Culture, Media and Sport on rates of local authority participation in the Government's free swimming scheme. [295535][1]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): There are regular discussions across Departments on the free swimming scheme. Of the 553 eligible local authorities, 260 are offering free swimming under the free swimming scheme, and 4.5 million people have used the programme across England.

Shona McIsaac: I thank my right hon. Friend for that answer. Speaking as somebody who used to work as a lifeguard, I would love for her to name and shame the councils who are not fully participating in this scheme and give them a great big kick up the bahookie so that they get their act together and provide the scheme to both pensioners and the under-16s.

Ms Winterton: My hon. Friend is right to draw attention to the fact that this scheme particularly benefits older people, as do the steps we have taken on free bus passes and winter fuel payments. She is right to say that where there are, for example, Liberal Democrat councils such as that in north-east Lincolnshire which are not taking advantage of this, we should make sure that the public know that they are not providing what is a very welcome service to older people in their area.

Topical Questions

T1. [295545] **Mr. Edward Timpson** (Crewe and Nantwich) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Communities and Local Government (Mr. John Denham): I want to ensure that local authorities have the ability to respond to local needs without unnecessary bureaucracy, so today we are publishing our proposals to allow councils and their communities to make certain byelaws without seeking Government approval, and to have them enforced through fixed penalty notices. I will also consult on proposals to repeal or streamline more than half the consent regimes—regimes whereby councils have to seek my Department's permission before acting.

Mr. Timpson: Cheshire East council has recognised a problem raised recently by one of my constituents, which is that 30 per cent. of street lighting in the Crewe and Nantwich area does not meet British safety standards regarding spacing. What can the Secretary of State do to help this relatively new council improve that statistic in respect of what is a very important community safety issue?

Mr. Denham: It is particularly important that we continue to have in power a Government who want to invest in public services, because the sorts of cuts proposed by the hon. Gentleman's party would not have helped his local authority. I will be happy to enter into correspondence with him about this particular case. This problem has been tackled in some parts of the country with Government support through private finance initiative consents for renewables street lighting. I am not familiar with the details of the case the hon. Gentleman raises, but I am more than happy to take it forward with him.

T4. [295548] **Tony Lloyd** (Manchester, Central) (Lab): My colleagues on the Treasury Bench may well be aware of the total lack of interest in elected mayors shown in Manchester during a recent consultation, and of the comments of the former Tory leader of Trafford council that there is simply no appetite for elected mayors, especially in Manchester. In the light of that, if the Government are not mad enough to enforce these expensive referendums on local communities, who would be?

Mr. Denham: That is a very interesting question. I made my view clear in the summer, which is that we think the current legal framework, allowing the option to go for mayors where communities wish it but not imposing it, is about right. I was struck by the fact that the Opposition, while being committed to decentralisation, said that their first act in power would be to legislate in this place to force people to have referendums on mayors whether they liked it or not. That is a very odd sort of decentralisation.

T2. [295546] **Mr. Gary Streeter** (South-West Devon) (Con): Given that the local government review in Devon has been a complete waste of time and money from the very start and is a colossal distraction to senior officers in all the district councils throughout Devon, and that the uncertainty continues, will the Secretary of State please now confirm that, just six months away from a general election, this LGR is dead and buried?

Mr. Denham: My right hon. Friend the Minister for Regional Economic Development and Co-ordination gave an excellent answer to a similar question a little earlier. We are awaiting the result of the boundary committee appeal hearing. Once that is received, Ministers will be able to proceed, as we would have done previously, to take an appropriate decision.

T6. [295550] **Chris McCafferty** (Calder Valley) (Lab): Given the purchase yesterday of HBOS Employee Equity Solutions by Computershare, will the Minister for Yorkshire and the Humber—the Minister for Regional Economic Development and Co-ordination, my right hon. Friend the Member for Doncaster, Central (Ms Winterton)—who has done excellent work saving jobs in the Calder valley, give me an assurance that all employees affected will be transferred under TUPE arrangements?

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): My hon. Friend is right to raise this issue, and I pay tribute to the work that she has done on behalf of her constituents in terms of the financial services industry, not only in our region but particularly in her constituency. I understand from yesterday's announcement that the 190 people employed in Halifax who would be covered by the proposed takeover will be transferred under TUPE arrangements to the new employer. I hope that that gives her some reassurance.

T3. [295547] **Bob Russell** (Colchester) (LD): Colchester's population is greater than that of many unitary authorities. Colchester borough council is the only one in Essex not run by the Tories, and consequently it is neglected and

1. *[Official Report, 9 November 2009, Vol. 499, c. 5MC.]*

politically discriminated against by the county council. Will the Minister meet me to discuss how Colchester's authority can move towards having unitary council status?

Ms Winterton: Obviously, the hon. Gentleman, unlike the Conservative party, recognises that many benefits can come with unitary status. I would be more than happy to meet him to discuss the issues that he has raised.

T8. [295552] **Lindsay Roy** (Glenrothes) (Lab): Have the Government made an assessment of whether the policies of some Conservative local authorities pose a real threat to economic recovery?

Mr. Denham: It is not for me to make such an assessment, but I must say that anybody who proposed doing away with regional development agencies, regional spatial strategies and all the things that enable us to have economic growth would be an enormous threat to the future of this country.

T7. [295551] **Paul Rowen** (Rochdale) (LD): The 2010 business revaluation is based on market values from April 2008. Given that market values have fallen considerably and that that has affected local businesses, will the Minister put additional resources into the Valuation Office Agency so that appeals can be fast-tracked?

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): We are looking at methods to help in this revaluation process, but I will have to write to the hon. Gentleman on his specific question.

T5. [295549] **Miss Anne McIntosh** (Vale of York) (Con): I am not quite sure why the Secretary of State is seeking to extend fixed penalty notices, given that most of them go unpaid in the first place. Can he tell the House which of the following is the higher priority for his Department: meeting his arbitrary building targets, or the presumption against building on floodplains?

Mr. Denham: That use of the word "arbitrary" was wrong; the housing ambitions that the Government have set out stem from a hard-headed analysis of how many homes need to be built over the next 15 years or so to ensure that the population of this country is adequately housed. The Conservative party is wrong to describe the targets as arbitrary. By denying the need to provide homes for the families of this country, it is the Conservatives who are such a big threat.

Fiona Mactaggart (Slough) (Lab): Slough borough council is one of the authorities that over the past five years has built more than 1,160 affordable homes, yet it has not bid, although it would like to do so, for the funds available for house building. That is because it is small, because it is not a building authority and because it is already using the land that is appropriate. Can the Minister find ways to help small authorities such as Slough borough council to bid to build more homes, which the residents in my constituency need?

The Minister for Housing (John Healey): All local housing authorities, including Slough's, are eligible to bid for the new programme that is in place for council house building. I have to say that Slough's authority has done a magnificent job, particularly in the past couple of years, in finding the scope within the town to build homes that people in the area badly need. Where the national Government can support the authority, we will do so, and I am always ready to talk to my hon. Friend or her local council leader about how we can do so.

T9. [295553] **Mr. Paul Burstow** (Sutton and Cheam) (LD): Council tenants in Sutton, Cheam and Worcester Park pay about a third of their rent to the Government in the form of a subsidy, but the only thing they get for that is the prospect of Decent Homes funding. Some £120 million was promised to their council to pay for upgrading, improvement and renovation of their homes, but that money is no longer on the table. Will the Minister meet me, as well as a number of my constituents who are council tenants, to discuss whether that money can be put back on the table, so that those much-needed renovations can get under way?

John Healey: I never refuse a meeting with a Member of this House, and I shall not refuse the hon. Gentleman. I have made it clear to the House that the Government are totally committed to completing the Decent Homes programme, but the judicial review that his authority is pursuing at the moment is getting in the way of our being able to have the sort of discussions that he wants to encourage us to have.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Given the depressed state of the housing market and the problems being experienced in the construction industry, will the Minister give me an assessment of the potential impact of any delays in the implementation of the regional spatial strategy?

John Healey: The short answer is that the impact could be very serious, because the new homes are badly needed in my hon. Friend's region. Moreover, the investment in them helps to create the jobs that keep in people in work, and the apprenticeship schemes that will give people the skills needed in the future.

T10. [295554] **Angela Watkinson** (Upminster) (Con): How many small shops in my constituency will lose their eligibility for small business rate relief next year, after revaluation? The revaluation took as its reference point April 2008, when retail rents were very high, compared with industrial and office rents.

Mr. Denham: Obviously, I do not know the details of individual constituencies, but I want to reinforce one point that needs to be made. The business rate revaluation does not raise extra money: rather, it introduces a fair distribution of rates each time a revaluation takes place. That brings winners and losers, so we always put in place transitional arrangements to soften the blow or ameliorate the rate of benefit. Business rates are often described in this House as some sort of penal attack on particular businesses, whereas the revaluation is a fair adjustment, moderated over time. We shall continue with the process and, in government, the Opposition would have to do something very similar.

Mr. Neil Turner (Wigan) (Lab): There is widespread agreement that the housing revenue account system is not fit for purpose, so I give the review that is under way a warm welcome. The Treasury has proposed taking an extra £7 billion dowry from councils, but does my right

hon. Friend agree that that would prevent them from implementing the Decent Homes standard, and that it could be seen as a tax on council house tenants?

John Healey: What I have launched is not a review of the housing revenue account system but a plan to dismantle the system that has been in place for more than 20 years. That system has held councils back from being able to build and maintain homes at a decent standard. It is not just that there will be enough money in the system to ensure that all councils can maintain all their homes to a decent standard, because in fact there will be more money for those purposes over the next 10 to 20 years. I am now doing the detailed work with those local authorities that want the reform, which will replace the old system with a structure that will give authorities control over their own rents and housing. That will enable them to provide better services for tenants in the future.

Lorely Burt (Solihull) (LD): The panel appointed by the Secretary of State to examine the west midlands regional spatial strategy has now reported. In my constituency of Solihull, we had an agreed new homes target of 7,600, but now we find that that target is 10,500. That will almost certainly mean that we will have to lose great swathes of our green belt. Will the right hon. Gentleman describe how it is desirable, or even possible, to override the plans and wishes of Solihull's—

Mr. Speaker: Thank you. Secretary of State.

Mr. Denham: As I have tried to make clear a number of times this afternoon, the examination process means that local plans that take only the local perspective into account have to be tested against regional and national housing need. The examination process takes place in public, and when revisions are made it is because the evidence in favour of the need to provide land for housing wins out. It is difficult to conceive of a different system. The only possible alternative would involve the abandonment of any national or regional targets, but that would undoubtedly lead to a massive collapse in house building and a massive under-provision—

Mr. Speaker: I am very grateful to the Secretary of State.

Jane Kennedy (Liverpool, Wavertree) (Lab): Was my right hon. Friend the Housing Minister as angry as I was to learn that, notwithstanding 23,000 people looking for affordable homes in Liverpool, the Liberal Democrats rejected a project for 60 new homes by a housing co-operative on the grounds that there was no such need in the city?

John Healey: I have said how disappointed I was that Liverpool city council is not taking advantage of the central Government support that we are prepared to give to deal with some of the very serious housing problems in that city. I will continue to do what I can to assist, but it would help if the council started to play its full part and do some of the heavy lifting that it should be doing already.

Sarah Teather (Brent, East) (LD): Does the Secretary of State accept that if his Government go ahead and scrap the £15 excess payments of local housing allowance, all that will result is rent inflation and no savings to the public purse? Will he agree to work with his colleagues in the Department for Work and Pensions to rethink the proposal?

John Healey: We are doing just that. We are working with our colleagues in the DWP at present.

Mr. David Anderson (Blaydon) (Lab): Recent statements by the Local Government Association have echoed the view of the Fire Brigades Union that the fire control project is now out of control and should be abandoned. Does the Secretary of State accept this? If not, why is he the only one out of sync with the people who work in the service and the people who run the service?

Mr. Denham: It is worth restating that we need a system of fire control that can operate over more than one fire and rescue service and that is able to provide efficient communications, particularly on major incidents where appliances and staff may be drawn from a variety of different fire and rescue services. The fire control project is designed to enable us to achieve that. We continue to work with the LGA on the implementation of the project, and I understand that we, and people at local level, will need to work with the FBU on the details of implementation, but the need for this type of control system, which goes beyond individual fire and rescue services, is, I believe, unanswerable.

Points of Order

3.32 pm

Mr. Anthony Steen (Totnes) (Con): On a point of order, Mr. Speaker. I have already given you notice of this point of order, which concerns the transfer by Departments of oral questions after they have been printed on the Order Paper, after the Department has been recognised as having departmental responsibility, and after approval by the Table Office—I realise that that is not a foolproof service. Last week I tabled an oral question to the Department for Communities and Local Government, which appeared on the Order Paper on Wednesday 21 October as Question 2. By Thursday the question had been withdrawn and transferred to the Department for Children, Schools and Families. My question was about local authority care homes and the security of those in their care. I need your help, Mr. Speaker, as to whether there is a way in which, before oral questions are shuffled, the relevant Department's parliamentary team can see the list and transfer any question at that point. However, once a question is printed on the Order Paper for oral answer, I believe that the Department should be stopped from denying responsibility to answer.

Mr. Speaker: I am grateful to the hon. Gentleman both for his point of order and for giving me advance notice of it. I note what he has just told me, but there is a procedure in these matters, of which I think I should remind both the hon. Gentleman and the House. I appreciate the difficulties that Members have in identifying which Minister is responsible for certain issues. However, it is for Ministers and not for me to decide who will answer a question. Whether it will please the hon. Gentleman or not is uncertain, but I must suggest to him that he seeks the advice of the Table Office in drafting questions for oral answer to reduce the risk of those questions being transferred.

Mr. David Winnick (Walsall, North) (Lab): On a point of order, Mr. Speaker. There has been mention outside the House, as you know, of senior Ministers in the House of Lords answering questions from Members of this House. There has been no discussion whatsoever in the House, but some of us have followed with interest the discussion that has occurred. I take it that if such questioning of senior Ministers who are Members of the House of Lords took place—obviously there would have to be a debate in the House first—it would be in Westminster Hall, and certainly not in this Chamber. If such a procedure took place, there should be no stopping the Department concerned from being subject to questions in the ordinary way, or of replies to questions from being given by Ministers who are Members of this House.

Mr. Speaker: That is a most interesting point of order from the hon. Gentleman, but there are quite a lot of ifs in it. What I must say to him is that he will be aware both that this is a matter under active consideration—I am happy to confirm that—and that it has also been the subject of an earlier point of order, not least raised the other day, if memory serves me, by the hon. Member for Northampton, North (Ms Keeble), to which I had the opportunity to reply.

I can say to the hon. Gentleman not what form a change would take, but that the issue is under active consideration and that before any change were made, the House would of course have an opportunity to consider it. I feel sure that he would want to contribute to that consideration.

Mr. Winnick *rose—*

Mr. Speaker: Very briefly, further to that point of order.

Mr. Winnick: Further to that point of order, Mr. Speaker. When you say it is "under active consideration", do you mean it is before a Committee? I have checked, and it is not before the Procedure Committee. Is it before the Modernisation Committee? Who, precisely, is considering it?

Mr. Speaker: I am grateful to the hon. Gentleman for his supplementary point of order. Unless I am much mistaken, I think he first entered the House in 1966, so he has vast experience of matters appertaining to the House, and indeed to the country. He will therefore know that a matter can be under active consideration in a whole variety of ways, including by people within Government Departments and in other respects than simply in the form of consideration either on the Floor of the House or by a Committee. I leave it to his very versatile imagination to consider in what way these matters might be being addressed.

Mr. Steen: Further to my earlier point of order, Mr. Speaker. I clearly did not make the situation clear enough. I not only consulted the Table Office, but it actually drafted my question. The situation was nothing to do with the drafting, because I went to the Table Office beforehand and my question was actually drafted there. However, the Table Office could not guarantee that it would stick. I am saying that once a question goes on the Order Paper and once there is an agreement by the Table Office and the printer to print it, the Department should be stopped from moving it. It has become a norm for Departments not to answer questions by constantly moving them.

Mr. Speaker: What I would say to the hon. Gentleman is as follows: first, my understanding is that he—I am being very helpful to him, so he should be pleased with this—was advised that the risk of the transfer of his question was low. It is true enough that the Table Office is not able to offer, and never has done, a guarantee that a question will not be transferred. He was advised that the risk was low, but the risk nevertheless existed, and risk is that of the hon. Gentleman, not that of the Table Office.

Secondly, there is no current plan to adopt the change of policy that the hon. Gentleman wants. It is a matter that could be considered by the Procedure Committee and a request to that Committee could be made by any Member. I just have a hunch that he might want to be in the queue to make that request.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. I asked a named day question of the Secretary of State for Communities and Local Government for answer yesterday—the question, quite simply, was what planning controls there are on the

[Mr. Peter Bone]

erection of mobile telephone masts—so that I could follow it up today at oral questions. Instead of getting a proper response, I got this:

"I will answer this question shortly".

which of course would be too late for today's Question Time. Are you able to help me, Mr. Speaker, in getting proper answers on time?

Mr. Speaker: I am not entirely clear off the top of my head what was the time lag between the tabling of the question and the provision of what might be described only as a holding reply, and that makes it difficult for me to give an answer that would be to the satisfaction of the hon. Gentleman. It is nevertheless an opportunity for me to reiterate that in general terms, and certainly after a period of days has elapsed, it is frankly unsatisfactory for Ministers simply to provide holding replies along the lines of, "I will reply as soon as possible." What we want, as quickly as possible, is a substantive reply from the Minister to the hon. Member who has tabled the question. I hope that that at least partially satisfies the appetite of the hon. Gentleman.

Closed Circuit Television (Monitoring and Promotion)

Motion for leave to introduce a Bill (Standing Order No. 23)

3.39 pm

Mr. Tom Harris (Glasgow, South) (Lab): I beg to move,

That leave be given to bring in a Bill to impose a duty on public bodies to co-operate with the police and specified local authorities on the use of closed circuit television; to require certain users of CCTV to provide specified information to the police; to require insurance providers to promote the use of CCTV systems; and for connected purposes.

There has been and continues to be much debate surrounding the operation of CCTV systems in the UK, and it is a debate that we should welcome. However, I do not want to use this opportunity today to discuss the politics of Big Brother; rather I want to move the issue forward to how we can best regulate these systems and use them to provide legitimate protection of the public and of property, while at the same time ensuring that our civil liberties are protected.

It is estimated that there could be as many as 1.5 million privately operated CCTV cameras in operation in the UK today, plus another 400 publicly operated systems in operation in town and city centres. It is evident from that that CCTV is a fact of modern life and it is here to stay. The Bill provides proposals to ensure that the systems are used to their best purpose, which is to act as deterrents of crime and aids to prosecution.

No compulsory code or set of minimum requirements is laid down for the operation and maintenance of CCTV systems in the UK. That can cause particular problems for some police investigations in which CCTV footage is used as evidence, in particular for crimes that would be difficult to prove by any other means. While CCTV could and should never be an alternative to policing or crime prevention schemes, evidence suggests that it can and does bring forward prosecutions in cases where it may have been difficult to do so otherwise.

Public systems already have a primary purpose to provide public safety, and there is a need for those systems to be equipped to the levels suitable to provide recordings of a high enough quality to be used as evidence of crime. In Greater Glasgow, the Glasgow community and safety services oversee the use of CCTV systems in those public places to which there is unrestricted access, as well as co-ordinating action by the police, local authorities and major social landlords.

Despite that co-ordination, the cost of each fixed camera runs at between £3,000 and £4,000 a year, a total to which local authorities are not obliged to contribute. There are 16 separate public systems in use in Greater Glasgow, and Strathclyde police must contend with that. The different equipment and processes for each system make evidence gathering a lengthy procedure. Alongside that, all evidence submitted to the courts must operate under an analogue rather than a digital system.

Private systems which operate on private property that allows for a public presence, such as large bars and shopping centres, are usually put in place as property protection measures. As the number of systems is so vast, private recordings provide the majority of evidence

in incidents of crime. The use of CCTV evidence is now a much more common means of pursuing prosecution in the UK; more so than the use of DNA material, for example. Its use as evidence results in more guilty verdicts, easing the burden on police time and the public purse by way of less expensive trials.

Recorded evidence can also help to prompt witnesses who may not have been aware that they were in the vicinity of a crime at the time, but who may hold crucial evidence. Another important aspect is that CCTV can be used to eliminate innocent people from police investigations, speeding up the overall process and lowering the cost. Yet, when dealing with a serious incident in which CCTV footage needs to be examined, police forces can and often do face an array of problems with the quality and accessibility of the footage that they require.

The lack of regulation means that, when dealing with a serious incident, police have to contact all public and private owners in the area. That is, first, to identify any owners of CCTV systems and, secondly, to check for footage worthy of submission as evidence. Problems also occur with the routine destruction of film. Police forces are unaware of how long owners keep their footage before it is destroyed, and the owners are not required to provide such information on a regular basis. That means that some evidence might be destroyed before the police can access it.

Some owners of small or more basic systems are not familiar with the mechanisms required to download data, for example, and in some instances it can take weeks to obtain the film evidence required. With some systems, the cameras do not work at all and no evidence can therefore be obtained. The problems caused by such disparities can directly affect the ability of the police to arrest perpetrators and bring forward a case for prosecution.

It would not be particularly burdensome to require those who operate CCTV systems to have to meet a set of standards of best practice and general maintenance, particularly when most of the private organisations that would be required to do so are likely already to be regulated by the local authority in some way.

For small businesses in particular, there is an issue regarding insurance. Some insurers require owners of CCTV systems to avoid undue bureaucracy and administrative expense. The Bill makes provision for that. Building on the recommendations of a recent Home Office report for a national CCTV strategy, the Bill proposes a voluntary code for businesses promoted by the CCTV user group, which would act as an industry body.

The Bill would impose a statutory duty on public bodies, such as local authorities, transport groups and housing associations, to work with local police forces to streamline public CCTV systems and, importantly, to impose a duty on local authorities to contribute to the costs of co-ordinating such systems. That would on the whole, provide greater efficiency and reduce administrative costs.

Large metropolitan authorities would no longer be required to foot the full bill for the co-ordinating of such systems when other smaller local authorities would be required to contribute. The Bill would also impose a duty on private organisations that control large areas open to the public in which they operate private CCTV operations, such as bars, clubs, cinemas and shopping centres, to provide local police with up-to-date information on the type of system they use, for how long they preserve film and how their system is maintained.

Lastly, the Bill would impose a requirement for insurance companies to promote an agreed code of practice with their business customers. CCTV can have a positive impact on the fight against crime and the fear of crime, but if we are to maintain the public's confidence in CCTV, we have a duty to reassure our citizens that such monitoring is not only effective but worth the investment.

Question put and agreed to.

Ordered,

That Mr. Tom Harris, Mrs. Joan Humble, David Cairns, Dr. Alasdair McDonnell, Mrs. Jacqui Lait, Derek Twigg, Lembit Öpik, Norman Lamb and Meg Munn present the Bill.

Mr. Tom Harris accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 6 November and to be printed (Bill 153).

Marine and Coastal Access Bill [*Lords*]

[2ND ALLOCATED DAY]

[Relevant documents: Report from the Joint Committee on the Draft Marine Bill, Session 2007-08, HC 552-I and -II, and the Government response, Cm 7422. Ninth Report from the Environment, Food and Rural Affairs Committee, Session 2007-08, on the Draft Marine Bill: Coastal Access Provision, HC 656-I, and the Government response, Cm 7422.]

Further consideration of Bill, as amended in the Public Bill Committee

Clause 2

GENERAL OBJECTIVE

3.48 pm

Mr. Richard Benyon (Newbury) (Con): I beg to move amendment 30, page 2, line 7, leave out from the first 'of' to 'sustainable' in line 8 and insert 'furthering'.

Mr. Speaker: With this it will be convenient to discuss the following: amendment 31, page 2, line 26, leave out 'contribution to the achievement of' and insert 'furthering of'.

Amendment 25, in clause 12, page 8, line 10, leave out from 'capacity' to the end of line 13 and insert 'of less than 1MW.'.

Amendment 26, in clause 13, page 9, line 12, leave out from 'capacity' to the end of line 15 and insert 'of less than 1MW.'.

Amendment 45, in schedule 1, page 229, line 18, leave out paragraph (1) and insert—

'(1) The MMO shall pay such remuneration and allowances as are commensurate with those of directly employed DEFRA employees.

(1A) The MMO shall negotiate staff remuneration and allowances with the recognised trade unions.'.

Amendment 46, page 229, line 23, leave out from 'The' to end of line 25 and insert—

'MMO shall—

(a) pay allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of the MMO;

(ab) ensure that all current and future MMO staff are entitled to membership of the civil service pension scheme;'.

Government amendment 4.

Mr. Benyon: Here we are at the last stage of the marathon passage of this Bill—well, we hope that it is the last stage, but that is of course dependent on another place. Hopefully, we will co-operate and get the Bill on the statute book as soon as possible.

Amendments 30 and 31 seek to address an imbalance in the Bill between clauses 2 and 44. The Minister will remember the lengthy debate that we had on this subject in Committee. I am sure that I do not need to remind him or the Under-Secretary of State for Scotland that our amendment 9 was successful in Committee in changing the wording of clause 44 from "contributing to" to "furthering", which is why the imbalance exists.

Owing to the way in which amendments 1 and 2 to clause 2 were grouped in Committee, they were not voted on, but I think that the Minister will agree that, on that issue, the voice of the Committee had spoken. It was unfortunate that amid the parliamentary process, the Committee was largely unaware that it was voting on only one group of amendments. I am aware that the Government seek to overturn the changes that amendment 9 made in Committee, and the Minister will explain his reasoning and I shall listen with interest. However, I must tell him that I feel very strongly about this issue, and I shall return to it in a moment.

The point has been repeated, on numerous occasions and from all parts of the House, that the Bill is a once-in-a-generation opportunity to introduce a landmark piece of legislation on important conservation measures that will take us closer to a sustainable future for our oceans and the communities that they support. This legislation has the potential to be groundbreaking, and that is the basis on which we seek to make the amendments before us. Sustainable development is an important concept and the key to how we move forward on fisheries management and planning. We believe that "contribution to" suggests a finite involvement in sustainable development and simply does not go far enough. "Furthering" would signify a continuous effort to achieve sustainable development, and that is what is needed for the effective management of, and planning for, our seas.

Some will say that I am playing with semantics, but as you know, Mr. Speaker, words mean everything when we structure legislation. It will be revisited in many generations' time, long after we have left the House. Indeed, yesterday, we debated legislation that was dated 1771, and I hope that the legislation before us, even if it does not have that longevity, will certainly be important in future generations. It is vital that we get the wording right, not just because the Bill may be open to challenge from various sources, but because of the message that we must send out. I shall return to that point, too.

Our amendments would ensure that the Marine Management Organisation had a sufficiently robust objective: to be responsible for furthering, rather than making a contribution to the achievement of, sustainable development. As I said in Committee, the MMO is marketed as the one-stop shop for marine management, and as such it must take a leading rather than a contributory role in sustainable development.

Several hon. Members, some of whom are present, pointed out that the Bill had first-class legislative scrutiny, and I agree that the Joint Committee produced an excellent document. It is worth looking at recommendation 12, on page 95 of its report, which states that

"clear duties should be set out on the face of the Bill to ensure that the new organisation"—

the MMO—

"works to meet the aspirations which Parliament has set for it. We recommend that these include a duty to further sustainable development and we suggest that this be based on the ecosystem approach to managing the marine environment."

The Joint Committee could not have been clearer in that excellent piece of work. A number of hon. Members, including the hon. Member for Reading West (Martin Salter), were party to that document, and I urge the Minister to consider it in the context of this argument.

Andrew George (St. Ives) (LD): The hon. Gentleman makes a very strong argument, which I support, as I did in Committee. "Contribution to" raises various questions: is it a leading contribution; is it a significant contribution; and where are the other contributions going to come from? It raises also the question of whether the simple offer of a contribution will be effective at all. Indeed, the Government have not properly addressed whether the so-called contribution, which they suggest the MMO will make, will be significant at all.

Mr. Benyon: I am grateful for the hon. Gentleman's comments; he puts my point of view very well. As I said, the wording matters. This provision is at the very start of the Bill, and it sets out the duties and obligations of an organisation that we are creating to be, in the words used in the House of Lords, the standard bearer for our seas. If we give it a weakened duty, we diminish the organisation and send out entirely the wrong message.

Amendments 25 and 26 are worthy of comment. They would lower the threshold for the number of energy projects that will be overseen by the MMO, rather than by the Infrastructure Planning Commission, from 100 MW to 1 MW. That would allow the IPC to take decisions on the majority of marine renewable projects, leaving only a very small segment to the MMO. As I made clear in Committee, we believe that the MMO should have available the necessary expertise and resources to decide on a full range of marine activities. I have tabled another amendment—I will return to it in a moment—that seeks to strengthen the MMO's knowledge base. It is crucial that the MMO is used to provide advice and direction on marine and coastal applications for energy projects that impact on the marine environment if it is to live up to its potential role as the standard bearer for our seas.

It is no secret that Conservative Members are no great fans of the IPC. All sorts of interested parties, bodies and organisations get involved in the planning process on land, and the IPC is a new addition to that mix. We have doubts about its democratic accountability. That is its main problem on land, and it is even further removed from the interests of sea users. We do not want more powers to be sucked away from the MMO by the IPC even before the new organisation's vesting date. I will listen to comments made on the amendments, but as things stand I do not feel inclined to support them.

The two amendments tabled by the hon. Member for Hayes and Harlington (John McDonnell) are interesting because they refer to staffing issues in the new organisation. I will listen very carefully to his points. Several people are extremely unhappy about the way in which the Marine and Fisheries Agency is migrating towards the MMO. There are extremely difficult questions of morale to be addressed. Back in May, the website had a page advertising for a new chief executive; those details are still there today. I am keen to meet this new chief executive, whoever he or she may be, as well as the new chairman, who is probably an excellent person—certainly so on the basis of his CV, which I have read. I wish them well. Nevertheless, why do we not have a chief executive in place? Is there some legislative barrier, or is it merely because the right person cannot be found? I hope that the Minister will address that key point.

The Minister's decision to locate the new headquarters on Tyneside may or may not have been right; I have no comment to make on that. However, I know that a great many staff do not want to move to the new headquarters. I gather that of the 200 or so people in the organisation, 10—known as the Tyneside 10—have agreed to move. I hope that the Minister can tell us that more people have decided to do so, because we need their expertise and knowledge if the organisation is to hit the ground running with good morale, a good sense of purpose and clearly defined duties. What about the people who work at the 18 coastal locations? I understand that they will not be transferred in their existing civil servant posts. Perhaps the amendments tabled by the hon. Member for Hayes and Harlington will tease out some of the answers.

I know that there is considerable unhappiness in the organisation, and it is in the interests of all of us that the move is done properly and that any problems created by how it has been handled are rectified. We need that so that we have people of real expertise, knowledge and drive ready to start work immediately, and so that the organisation can hit the ground running at its vesting date, which I understand is still planned to be April.

4 pm

Amendment 39 builds on our attempts in Committee to expand the skills that the new organisation will be able to call on. It is intended to ensure that the MMO is given adequate access to specialist knowledge in order to carry out its diverse range of functions. We raised the issue of expertise in the MMO in Committee, pushing for a chief engineering adviser to be appointed alongside a chief scientific adviser. Our amendment was unsuccessful, but we hope that the appropriate range of expertise will be housed in the MMO. If that is not achieved, amendment 39 would ensure that it could source advice and guidance from other bodies that had the expertise that it was lacking.

Furthermore, it is important that the MMO has the capacity to process the often very technical information that it needs to carry out its functions. Many marine users are concerned that the MMO may not have the understanding of the diverse range of issues affecting the marine environment that it needs to manage it effectively. It is therefore important to ensure not only that consultation occurs but that information is shared and expertise pooled. There are no added cost implications at this stage—

Mr. Speaker: Order. I feel sure that I misheard the hon. Gentleman when he referred to amendment 39, which I think was not selected. I know that he would not knowingly speak to an amendment that was not selected, and I feel sure that he is in fact focusing his remarks on amendments 30, 31, 25, 26, 45 and 46, and possibly Government amendment 4.

Mr. Benyon: I apologise, Mr. Speaker; my understanding was that it had been selected, with a very late phone call to the Clerk's office. I may have been misinformed on that.

In that case, I shall make a further point on the other amendments, which links in quite well with what I have been saying. It is important that the MMO has the breadth of knowledge that it needs. The Minister might be able to let us know whether she feels it will have the power to call on expertise when it needs to.

Government amendment 4 is effectively intended to counter a gain that we made in Committee on an important matter. As I said, this is rather more than just

[Mr. Benyon]

semantics. The Government may have thought that they were right back in July in Committee to oppose the changing of the wording in the Bill to "furthering" from "contributing to". If that is the case, I strongly believe that they are wrong now. This is not just about the powers with which we charge the new MMO, it is about the message that is sent about the Government's intentions towards sustainable development, to which the Minister has the opportunity to state her Government's commitment.

It is worth considering for a moment what we mean by sustainable development. As far as I am concerned, it is a pattern of resource use intended to meet human needs while preserving the environment, so that those needs can be met not only in the present but for future generations. I also like the definition used by the Brundtland commission, which described it as development that

"meets the needs of the present without compromising the ability of future generations to meet their own needs."

In the run-up to Copenhagen, when the Government have given some mixed messages such as their commitment to a third runway at Heathrow, here is a golden opportunity to make a real and genuine step forward. I urge the Minister to take the opportunity to leave the word "furthering" in the Bill and not to reverse the change made in Committee.

Martin Salter (Reading, West) (Lab): It is a pleasure to follow the hon. Member for Newbury (Mr. Benyon), whose arguments I listened to carefully today and in Committee. I shall be interested to hear the Minister's response to my comments. Having been incredibly helpful to him yesterday, I am minded to be slightly less helpful today. I, and my colleagues who similarly failed to support the Government on this issue in Committee, have problems standing on our heads. I do not seek to speak for my colleagues, but myself and others—I pay tribute to my hon. Friends the Members for Plymouth, Sutton (Linda Gilroy) and for Southampton, Test (Dr. Whitehead)—were members of the Joint Committee on the draft Marine Bill. As we have said, the Bill has been extensively scrutinised, and I would like to think that the Government's response to how this excellent Bill can be made into a brilliant Bill will weigh in the balance some of the wise recommendations that came out of that pre-legislative scrutiny exercise conducted with Members of the other place.

On the Joint Committee's report, I remind the Minister of those who have argued the "furthering" case, and I am a signed-up member of the "furthering" tendency. Page 22 of the report states:

"The Environment Agency argued that the MMO should have a duty to further conservation of marine flora and fauna and to secure compliance with the Water Framework Directive requirements and objectives in transitional and coastal waters."

On the same page, the Joint Committee recommended:

"We have no doubt, from the weight of the evidence received, that the statement of purpose of the MMO is ambiguous both in terms of the draft Bill and in the policy framework which the Government envisages."

I do not think that any of us would want to put our names to this groundbreaking and long-awaited piece of legislation if it had any ambiguity in it, particularly in respect of such a fundamental component of delivery, which the MMO must surely be. As the hon. Member for Newbury said, the final recommendation stated quite clearly that we should include a duty to further sustainable development.

My problem with why the Government find that difficult concerns the lawyers' argument that it would not be compatible with 70 other pieces of legislation. Hang on a moment! Are we in this place to make legislation that is only compatible with legislation that went before? If that is the case, how do we ever establish precedents? How do we ever move the policy agenda on? I am concerned about the future of our seas, certainly in terms of generating a sustainable harvest of fish for the planet to feed on and benefit from. There might be only 50 years of life left in the oceans if mankind carries on exploiting them at the current rate. We must also consider the impact of climate change and population growth. All those factors tell me that I do not want to listen too carefully to arguments from lawyers about precedents concerning 70 other bits of legislation that go back to God knows when.

The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), has been superb throughout consideration of the Bill, but—here is a challenge for him—I need him to be even more superb and come up with some very convincing arguments, if he is to tempt me to follow him into the Lobby.

Andrew George: I, too, rise to speak in favour of amendments tabled by the hon. Member for Newbury (Mr. Benyon), although I shall make a few comments on other amendments in passing. He suggested that the debate might be interpreted as a semantic one about the difference between "contribution to" and "furthering". He also suggested that people might not necessarily know the difference. Fundamentally, "contribution to" suggests that the MMO might play a subordinate role to others, but I think that in most people's minds, "furthering" indicates the concept of the MMO making a significant, leading contribution.

If the argument is that the difference between contributing and furthering is merely a semantic issue, it should be no skin off the Government's nose simply to accept the amendments, arguing that the difference between the two expressions is semantic in any case. I therefore hope that the Minister will listen to the arguments, including the well-argued case that we have just heard from the hon. Member for Reading, West (Martin Salter).

Given the efforts and the contributions made in establishing the Bill—the work in the Joint Committees, the campaigning and the strong public support—it is clear that the Government are being sent a message. I hope that they will be receptive to that message, although they do not seem to be very receptive at the moment. The MMO needs a firm steer, not simply a limp expression of warm hope, which is what the Bill appears to be giving with the words "contributing to". I hope that the Government are receptive to that and to strengthening the clear intention in the Bill for the MMO to take a much more significant role than that suggested by "contributing to".

As I said, the current wording raises a number of questions. If the relevant authority is making a contribution towards the "achievement of sustainable development", one must ask whether that is a leading contribution, and if not, who is making the leading contribution? Is

that contribution a significant contribution, and if not, will it in fact be an insignificant contribution, without any assessment of its value? It may be a contribution, but frankly it might not make a great deal of difference. There is nothing in the explanatory notes to indicate who else will be contributing towards the achievement of sustainable development. At the end of the day, some serious questions arise as a result of the Bill's warm but rather weak wording on the consideration of the fundamental objectives of the MMO.

The explanatory notes make it clear that sustainable development, as Ministers perpetually remind us, has three core elements. Paragraph 46 says:

"This may be necessary to ensure that an appropriate balance between environmental, social and economic considerations is reached".

Therefore, not only does the Bill refer to the contribution made towards the achievement of sustainable development, but the environmental goals that underpin this important legislation make it clear that that means a contribution towards a three-pronged balance in any case—an important balance, as I argued in debate only yesterday. I hope that the Ministers will reflect on the strong feelings that resulted in a Government defeat in Committee. I hope, too, that the Government will not be churlish enough to press their amendment 4, because in effect they would thereby be showing disrespect to the considered views expressed in Committee, when the issue was given very close scrutiny.

In passing, let me say that I support the amendments tabled by the hon. Member for Hayes and Harlington (John McDonnell). The letter that has been circulated between him and the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Ogmore (Huw Irranca-Davies), raises questions about the reassurances that I have received about the transfer of undertakings to members of staff who move from the Marine and Fisheries Agency to the MMO. The wording of the letter does not provide the reassurance that the staff who are being transferred have a right to expect. I wish the hon. Member for Hayes and Harlington well in his efforts in that regard.

4.15 pm

I will listen to the views of those who have tabled amendments 25 and 26, but I am not yet convinced that a strong argument has been made for effectively handing over planning powers to the Infrastructure Planning Commission. I have some concerns about the potential impact of those amendments, because the specialist knowledge that will be held by the Marine Management Organisation cannot simply be put aside, which is what would happen if the amendments were to be accepted. I hope that the Government have listened to my points.

Dr. Alan Whitehead (Southampton, Test) (Lab): I shall address my remarks to amendments 30 and 31 and Government amendment 4, in particular. Government amendment 4 seeks to restore the status quo ante following the first meeting of the Public Bill Committee, at which the meaning of "furthering" was discussed. At the time, I suggested that it might be a good idea to look at the provisions in paragraph 7 of schedule 5 to the Bill concerning sustainability appraisals, and at the extent to which the issue might be resolved—for this Bill, without any read-across to other legislation—by amending that schedule to make clear the points that we were discussing. Such an amendment might also make clear the intentions of the Bill on sustainability, particularly in the context of sustainability appraisals. At the time, the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies) said that that was a good suggestion, and my hon. Friend the Member for Reading, West (Martin Salter) said:

"I commend the approach outlined by my hon. Friend the Member for Southampton, Test."—[*Official Report, Marine and Coastal Access Public Bill Committee*, 30 June 2009; c. 19.]

I note that more in sorrow than in anger.

When the Under-Secretary of State for Scotland, my hon. Friend the Member for Glasgow, North (Ann McKechin) replies to the debate today, she might like to put on record the reason why that approach has not been examined to the extent that it might have been, although I appreciate the efforts that both Ministers have made to find the best approach, following our debate in Committee. I do not think that they have failed to take careful note of what was set out in Committee, or to exercise proper diligence in following up inquiries on the outcome of the votes taken in Committee.

Instead, this is a question of how the particular wording of the amendment tabled in Committee—and alternative wordings—fits in with wider issues in other legislation. It is also a question of the extent to which amendments already made to the Bill strengthen and underpin the sustainability aims in the first place. I am willing to be persuaded this afternoon that restitution of the status quo ante—if it has been undertaken—has been based on a clear examination of all the alternatives and how they fit into the wider aims and how the Bill sits with other legislation. That is not a nugatory point, because the way in which it fits in with other legislation is important.

Although it is certainly true that we are shaping legislation that departs substantially from the past, it is nevertheless the case that the Bill's proper reference to other legislation is a necessary part of its success as a piece of legislation. If it can be genuinely shown that that is indeed a major consideration, I, for one, would be happy to say that a proper examination, as was undertaken in Committee, had been carried out, which would explain why the Bill has the outcomes that it does.

I expect that the Under-Secretary of State for Scotland will be able to do that—or something like it—in her summing up, which I will listen to carefully. It is necessary for her comments to be placed very carefully on the record on Report, so that we are all clear about this matter.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): My hon. Friend is making a very sound contribution to the debate. We also need to have cognisance of the underpinning agreements between the different UK Administrations. One of the Bill's benefits is that it is a UK sign-up. We have now adopted five shared principles, defining sustainability as living within environmental limits, achieving a just society, a sustainable economy, good governance and sound science. Those five principles are now expressed in our high-level objectives for the UK marine area. Rather than being only warm or

[Huw Irranca-Davies]

wishy-washy, we are quite definitive about what we mean by sustainable development. I hope that that explanation helps.

Dr. Whitehead: I thank the Minister for that intervention, as it underpins one of the central points of this debate: the extent to which the Bill's pillars relate to other pieces of legislation. The Bill relates to less than the totality of the UK, so those pillars also have to support other legislation being enacted in other UK legislatures. If that form of high-level understanding of the overall effect of the Bill can be crystallised, as the Minister has just described, it appears to go a long way towards affording an understanding of why the Bill is to be written, if it is to be written, in this particular way.

Andrew George: The hon. Gentleman raised this issue in Committee in the context of schedule 5, when the Minister responded by suggesting that it would be considered. Was the response in the Under-Secretary's intervention just a few moments ago the first time that the hon. Gentleman had heard anything about the result of the Government's undertaking to investigate this matter with the devolved Administrations?

Dr. Whitehead: No, that was not the first time I have heard that. I have discussed this and associated matters with my hon. Friend the Minister on several occasions—and, as I have emphasised this afternoon, I am happy that he has applied due diligence to the undertakings that he gave in Committee to look carefully at the alternatives that had been suggested and then present proposals based on that careful examination.

I hope and expect that this afternoon, my hon. Friend the Under-Secretary of State for Scotland will be able to reflect those considerations when she replies to the debate, but if that does not happen, I fear that we shall return to the position that pertained in Committee. It was clear that a number of Members on both sides of the Committee were not convinced by the argument that had been advanced about the exact wording of the Bill. Some wanted a different wording, while others wanted provisions elsewhere in the Bill to be amended to enable the wider sustainability objective to be underlined. If, and only if, that objective can be underpinned and those pillars can be set up this afternoon, I will be happy with a wording that reflects the intention of the Government amendments.

Amendments 25 and 26 seek to reduce the point at which the Marine Management Organisation has an overview of applications for offshore energy projects, effectively—although the Bill does not actually say this—from 100 MW to 1 MW. Members have already expressed concern that that might strip the MMO of the ability to give serious consideration to an essential component of marine environment management—offshore energy installations. I personally consider that concern to be misplaced, not because it is not a proper concern, but because of the way in which offshore energy is developing.

I think we all know that prospects for the development of offshore energy, overwhelmingly that of offshore wind power, are enormous and potentially glowing. We are already the leading country in the world in offshore energy installation, and there are substantial plans in the pipeline and on the drawing board for the installation of up to about 30 GW in the medium and long term. We are now in phase 3 of the licensing arrangements for offshore zones for the installation of wind farms. With the emergence of each of those arrangements—from phase 1 to phase 3, and including the revisiting of phase 2 in relation to additional licensing—the size, ambition and extent of those offshore wind installations have increased.

4.30 pm

Phase 1 licensing involved the development fairly close to the shore of a relatively small number of turbines, each of which was also, by current marine standards, of a relatively modest size. Both the commissioning and building of further developments, such as the London Array and the licensing of deeper sea offshore wind as we move into phase 3 licensing, indicate that the number of turbines per wind farm and the size of those turbines are increasing substantially. We can draw two conclusions as to what that means in relation to the planning regime for offshore wind in particular. I think my hon. Friend the Member for Brighton, Kemptown (Dr. Turner) may have a fair number of comments to make about marine current technology and wave technology, and I shall not intrude on what I suspect he will say, except to note that an enhancement in size will not be the pattern followed in those technologies, at least in the immediate future. Indeed, it is likely that a number of those technologies will in the foreseeable future be well below the 100 MW limit, and will therefore come within the purview of the MMO under the terms of the Bill at present.

It is, however, extremely unlikely that in the immediate future many, if any, applications for offshore wind in the marine environment will come before the MMO, for the simple reason that the clock would be turned back in terms of the development of offshore wind if there were a number of applications below 100 MW—which amounts to perhaps 10 to 15 turbines under current arrangements—which would come within the purview of the MMO. Overwhelmingly, those applications will therefore come within the remit of the Infrastructure Planning Commission. The IPC will therefore have to be properly geared up to assess the planning processes for future offshore wind applications and the detailed considerations relating to the marine environment to which those planning processes give rise.

The issue is not so much that the IPC will not know what it is doing in relation to offshore wind, and that there will therefore be a problem if it is given most of the planning remit for future offshore wind, but that there will, in theory at least, be two bodies geared up to have detailed knowledge of offshore wind, one of which will have a large number of applications before it and one of which will have no applications before it. What does that mean in terms of the consenting regime for offshore wind? Will it parallel the regime for onshore wind?

For the foreseeable future, the vast majority—indeed, probably all—onshore wind applications will be below the level that would bring them before the IPC, and local authorities will still be concerned with the planning regime. As we know, however, there are no local authorities for the marine environment. There is one landlord of the sea bed. A number of important considerations have to be taken into account, but they are not parallel with those for onshore wind.

Mr. Benyon: Is it not possible that the hon. Gentleman is looking at this down the wrong end of the telescope? The IPC will, as long as it is allowed to exist, have plenty to do in connection with land-based issues. We are creating a new organisation for the management of the seas. Should we not be thinking that the MMO should be responsible for developments of higher megawatt output, rather than be limiting it, because there can only be added overlap between the two new organisations that we are creating, and that will be complicating and will diminish the importance of this new organisation, as well as the IPC?

Dr. Whitehead: The hon. Gentleman makes an interesting point, to the extent that it would be possible to say that the whole offshore wind consenting regime should fall under the MMO's purview. That would result in a parallel IPC for offshore matters in some instances, to go alongside the IPC's onshore role in major infrastructure planning considerations and major national strategic inquiries. I suggest that if he were to go down that route—although he may have it in mind not to do so, because he is not too keen on the idea of the IPC in the first place—the interesting logical considerations of making the non-existent IPC responsible for offshore as well as onshore decisions might cause his synapses to fuse. Assuming that there was a logical consideration, that the IPC would continue, and that it would not have any responsibility for very large offshore marine installations, we would be in danger, in the opposite way, of creating two parallel planning problems.

That is because offshore wind involves not only the installation of wind turbines, but the cabling that takes the turbines to land, the landing facilities on the land itself and, to a considerable extent, the grid structure that takes whatever is landed properly into the national grid. As hon. Members also know, the National Grid Company is pursuing a strategy for 2020 to strengthen the national grid substantially, precisely to take on board those strategic aspects of landing. Currently, point-to-point arrangements are in place, but my view is that they will develop into cluster arrangements in due course. If we are talking about integration, getting all that right, both from the land and from the sea, could be an integrated function for the IPC.

Going down the route suggested by hon. Gentleman, whereby a series of large applications is considered by the MMO but as soon as the land is involved they are considered by the IPC, could result in a dangerous division in our consideration arrangements, particularly in terms of the overall picture of the sea, the land and the energy supply. The opposite view, which is that it probably would be a good idea to try to integrate the planning regime for offshore wind energy management as far as possible, precisely because of those considerations, probably represents the better way forward—so long as one agrees that the IPC should continue at all.

Mr. David Drew (Stroud) (Lab/Co-op): I hear what my hon. Friend is saying, but there are at least some Labour Members who, because of its willingness to engage in conservation and wider environmental issues, would much prefer the MMO to examine issues such as the Severn barrage than give the job to the IPC, which might make a purely economic judgment on that monstrosity. Does he understand that some of us would like the MMO to have a view on this and other related marine issues?

Dr. Whitehead: I understand what my hon. Friend is saying, but I do not see a contradiction between making the IPC responsible for planning major strategic offshore developments and incorporating those developments in marine and national planning statements, as those statements should define the framework within which the IPC, the MMO or any other body undertakes such work. The important point about the Severn barrage, offshore wind energy generation and the land side of offshore wind is that how such developments work within the marine and national planning policy statements will define how they are undertaken. Anything else is likely to lead to a fractured approach to renewable energy generation offshore, with potential conflicts between elements of the land side of those operations—something that is especially true of the Severn barrage. Therefore, the relevant planning bodies must undertake detailed consideration and analysis to make sure that the policy statements are right.

Andrew George: The hon. Gentleman is making a sound contribution, but the point that he appears to be making might undermine the MMO's ability to assess the merits of marine planning applications. One problem is that the IPC could take such applications out of the strategic context, and another is the implication that the MMO may not have the technical competence to assess them. My hope is that the MMO will work in concert with the IPC and the Department of Energy and Climate Change. I cannot accept the hon. Gentleman's argument, because surely there will be formal communication between those agencies and the Department.

Dr. Whitehead: The hon. Gentleman anticipates what I was about to say, which is that the MMO must have great expertise on a number of these matters anyway. That includes the marine policy statement, to whose operation it is very much a party. Calling for a more coherent planning regime for offshore renewable energy development does not cut the MMO off from playing a serious role in considering those planning applications. It has a strategic role in the management of the sea bed and conservation zones as well as other aspects of the marine policy statement, so it has to be centrally involved in the planning process.

The amendment would mean that there would not be two specific planning regimes, with one stopping at a wholly theoretical point. Instead, it would establish a unified regime for major planning consents, encompassing both offshore developments and the onshore operations that are an essential part of them.

The amendment would not take away the MMO's central role in planning considerations, but it would make sure that this country's ambitions for the offshore generation of renewable energy were properly aligned with the delivery of that energy into the grid in the best possible way.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I am following carefully the case that my hon. Friend is making, which has some merit. Has he taken into account the Renewable Energy Association's code of practice, and its joint statement with Natural England? As such a code of practice has been developed, and was published in September, does he agree that Natural England could be the bridge to cope with the scenario about which he is expressing concern?

4.45 pm

Dr. Whitehead: My hon. Friend makes an interesting point, which is incorporated in the view that in all these matters, bodies charged with a substantial role in the stewardship of the natural environment onshore and offshore should have a central role to play in the overall planning of both those environments. The question of how that is to be secured does not necessarily relate to the narrow issue of what considerations relate to planning permission and what follows it, but relates to the wider issue of how those bodies play a central role in the planning and stewardship of the natural environment, particularly as defined by the policy statements that will be issued, and under which those bodies will work—in conjunction, as it happens, with the IPC—on major strategic projects.

In a sense, the policy statements trump the activities of the IPC because they are concerned with wider issues than is the IPC, and the IPC must have regard to those statements in its own considerations, as will Natural England and the MMOs.

Linda Gilroy: I follow the logic of my hon. Friend's argument, but given my earlier comments, does he see merit in the REA advancing the case for the MMO as a statutory adviser and formalising the MMO's role in relation to the Secretary of State in the MCZ designation process, and its relationship to the policy statement?

Dr. Whitehead: I see no contradiction between that role and the role of the MMO, for example, in designations of marine conservation zones, and the narrower planning issues that I am raising in connection with the amendment. On the contrary, I would welcome that role for the MMO in MCZs, and in the wider context of the stewardship of the sea around our coast. As I emphasised, the amendment would not excise the role of the MMO in the development of offshore energy, or the role of Natural England in planning onshore. The challenge is to get things right in terms of resources, the narrow issue of planning, and the linear planning that is inevitably involved in these processes.

Ms Celia Barlow (Hove) (Lab): Does my hon. Friend agree that as well as the narrower planning issues, as he describes them, and the importance of the stewardship of the marine environment, it is vital for us to remember the innovative nature of renewable technologies and the role that the marine environment can play in stimulating the development of renewable energies and the generation of green jobs in areas such as Brighton and Hove, and in his own area?

Dr. Whitehead: Indeed. My hon. Friend underlines the enormous changes that are taking place in offshore energy production, with the installation of devices out at sea. As she knows, licensing in the English channel brings enormous opportunities for the landward side in servicing, fabrication, transport, installation and landing. I am particularly concerned about the integration of those two things. If we have a point at which that development and those opportunities stop because of an artificial divide between what happens in one place and what happens in another, we risk holding back some of the additional opportunities available—so the point that my hon. Friend makes is important.

I believe that one way or another, when the Bill is law it will be necessary to consider carefully how those various elements of the planning regime articulate together. It may well be that amendments 25 and 26 do not pass into law—that is just possible—and I must take account of that in what I say. Assuming that that is the case, I hope the Minister will tell us how we can best integrate the offshore and onshore planning arrangements so that the development of offshore wind and other forms of marine energy is enhanced rather than impeded—but enhanced with a proper regard for its place in the marine environment. How can that best be done under the arrangements in the Bill, and how can we best ensure the delivery of the opportunities for UK renewable energy that my hon. Friend the Member for Hove (Ms Barlow) and other hon. Members have talked about this afternoon?

John McDonnell (Hayes and Harlington) (Lab): I wish to speak to amendments 45 and 46, which are in my name.

On Government amendment 4, I echo the sentiments of my hon. Friend the Member for Reading, West (Martin Salter) regarding the performance of the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies). I have had limited dealings with him on the Bill, and I rarely compliment Ministers in this place, but may I place on record that in his dealings with the Public and Commercial Services Union parliamentary group and me, he has shown utter courtesy and creative engagement? On that basis, may I also say, on Government amendment 4, that it may well be that the making of a Minister is ensuring that the clammy hands of the lawyers are removed from his throat? This may well be the opportunity for him to demonstrate similar creativity as he showed in his munificence to my hon. Friend the Member for Reading, West.

As has been mentioned, the Bill subsumes the Marine and Fisheries Agency into a new non-departmental public body, the MMO—the MFA becomes an NDPB called MMO, if people can bear with me. I am equally interested in the application of the Cabinet Office statement of practice and the Transfer of Undertakings (Protection of Employment) Regulations 2006 with regard to the staff involved in the transfer.

Obviously, all hon. Members across the House, have welcomed the legislation and to implement any form of legislation, we need good civil servants who are committed to their jobs, expert in their field and properly supported, and who have high morale and the confidence of the Ministers involved. MFA workers who are now being transferred to the MMO have expressed concerns about their future status, pay, pensions, job opportunities and career paths. As a result of those, on behalf of the PCS parliamentary group, which I chair—it is a cross-party group of hon. Members who come together with the PCS to discuss its members' concerns—I tabled amendments 45 and 46.

The issue was raised by my noble Friend Lord Rosser in the other place, who spoke about the 200 to 250 staff who will be transferring. Many of those people are experts in their different fields. They are committed and proud to be civil servants. They chose to be civil servants not only on the basis rewards of their jobs—their work is rewarding—but on the basis of their conditions, pay and secure pensions. It is important that, whatever we

do, we do not destabilise the organisation, reduce morale or demotivate the staff. We must therefore address the issues of concern that members of staff have raised.

5 pm

Mr. Drew: Does my hon. Friend agree that some of the hurt that was felt was caused by an apparent lack of engagement and a failure to realise the true professionalism of many people working in that sector of the civil service? It is not a well known part of the Department for Environment, Food and Rural Affairs, but the staff carry out invaluable work. It is good to hear what my hon. Friend says about the meeting last week, because it is only right and proper that these people are appropriately rewarded according to their status. I hope that that will be the case in the future.

John McDonnell: I concur, and that message has been relayed to staff at the meetings that they have had with the Minister. I am pleased that the Minister has let the staff know that they and the work that they do are valued, and will be valued in the new organisation.

I seek to amend schedule 1 of the Bill which deals with the establishment of the new organisation. Amendment 45 relates to the pay of MMO staff and would ensure that their pay remains on DEFRA pay scales and would be negotiated in the future by recognised trade unions. In this instance, the bulk of staff are organised within the PCS. Amendment 46 relates to the pensions of MMO staff and seeks to ensure that the transferred workers retain entitlement to the civil service pension scheme and, crucially, that new staff would also be entitled to enter the civil service pension scheme, avoiding a two-tier work force.

I am pleased that the Minister met the trade unions and the members of the PCS parliamentary group last week. Following that meeting, the Minister wrote to me and I have placed a copy of the letter in the Library and ensured that Opposition Members have received a copy. I shall read into the record the Minister's responses on the issues that we raised with him as they relate to the amendments. It is important to put on the record for members of staff the commitments that the Minister has given.

With regard to staff transfers and the two-tier work force, the Minister has helpfully sought to reassure staff in the following terms:

"I would like to reassure you that we have put in place safeguards to ensure that terms and conditions and pensions will carry over when staff transfer from the Marine and Fisheries Agency and that these provisions will apply to new staff."

That is exceptionally helpful. There were concerns that new staff would have different terms and conditions, but that clarifies the Government's intentions.

With regard to pay, the Minister says:

"It is intended that the MMO will mirror the Defra Pay Award in 2010. This along with any other proposals to change the terms and conditions of employment would require formal consultation and negotiation with the recognised Trade Unions. In line with Cabinet Office guidance, provision has been made in the Bill that will require changes to the terms and conditions of Marine Management Organisation staff to be approved, through the annual pay remit process, by the Secretary of State of Defra as the sponsoring Department."

That is crucially important to provide reassurance to the staff that their pay is secure in the coming period and will be subject to the normal negotiation position.

I have been asked to inquire of the Minister what assurances can be given that pay for comparable grades will be maintained with DEFRA rates after 2010. It would be helpful if we could have some commitment from the Government on the importance of maintaining the link between comparable grades so that the pay of MMO staff does not fall out of step with pay in the mainstream Department.

Andrew George: The hon. Gentleman is speaking to the PCS, so it would be helpful if he could reassure me that the words

"applying at the time of transfer"

and "intended" in the statement that he has just read out are sufficient for the PCS.

John McDonnell: The intention is clear from the Minister's letter, which I have read into the record today, and it would be an extraordinary act of bad faith if that intention were not implemented. I have no doubt that the Minister is being straightforward in his commitments on this. It is one of the matters that will be monitored in the future and, despite all the compliments that have been paid to the Minister today, if it is not adhered to, I will return to the subject.

Huw Irranca-Davies: I applaud the representations made by my hon. Friend and others on behalf of the PCS and the work force of the MFA in their transfer to the MMO, and I can assure him of my categorical follow-through on the undertakings within that letter. I echo his view that if any Minister, myself or any subsequent Minister, were to renege on those undertakings, they would be acting in bad faith, so he has my clear commitment.

John McDonnell: That is straightforward, and I welcome that commitment. I reiterate that the longer-term future is important for the organisation and its ability to connect with the mainstream civil service, and that future pay arrangements must not be allowed to fall out of step with the main DEFRA rates of pay.

Pensions is a crucial issue that has been raised by members of staff, and understandably so. Let me again read into the record the Minister's commitment in the letter. He says:

"The MMO has been accepted, in principle, into membership of the Civil Service Pension Scheme. This will mean that MMO staff will see no change in the provision of their pension including the provision of pension statements and the facility to seek advice from the pensions provider."

The concept of "in principle" acceptance into the scheme is fairly straightforward in ensuring that the processes of transfer are undertaken, as has happened with regard to other agencies in a similar position.

The other issue that the staff have understandably raised relates to career progression and the potential for career paths. This is a small organisation with some specialist members, but many will want to pursue their career path back into the mainstream civil service at a later stage in their career, so it is important that they retain that opportunity. Otherwise, this Government and future Governments will always have the problem of recruiting and retraining staff over a period of time. We raised with the Minister the question of access to the civil service gateway, the facility that enables staff to apply for vacancies on a civil service-wide basis, and in his letter the Minister said:

"MMO staff will retain access to the Civil Service Gateway which advertises civil service wide vacancies. To allow Non

[John McDonnell]

Departmental Public Body staff to apply for Civil Service vacancies, the Civil Service Commissioners and Cabinet Office have developed an accreditation scheme for Non Departmental Public Bodies. Once the MMO is vested, the MMO will apply for accreditation enabling MMO staff to apply for civil service posts via the Civil Service Recruitment Gateway as if they were Civil Servants."

I see no problem in terms of the accreditation at a later stage. That is merely a formality.

One or two points of clarification that we raised with the Minister at our meeting last week were not addressed in the letter. One concerns whether MMO staff will have access to the DEFRA network for job vacancies, which I think is a simple procedural point. On the commitment given today, would the Secretary of State's approval be required to remove access to the civil service gateway? In other words, are staff fully protected in terms of their access to the gateway? Would the specific intervention of the Secretary of State be required to deny them that access at a future date?

I reiterate that there are real concerns, anxieties and insecurities among staff about this transfer. I still cannot fully understand why, unlike other NDPBs, the staff are not allowed to retain full civil service status. The staff are still confused about why they are classified not as Crown servants but as public servants. However, it is clear that the Government have taken a view on that matter. Through the PCS parliamentary group, we have sought to secure as many commitments as we possibly can to give the staff in the new organisation every encouragement and every form of security and confidence that we can, so that they can rise to the challenges of the future. I believe that the organisation has a dedicated group of staff who will rise to those challenges, but they need the commitments and the confidence and security that, I hope, the Minister's letter will give them today.

5.15 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): Other hon. Members have already spelled out what my amendments will do. They are very simple. Their effect is to give the IPC consenting powers over any renewable energy installation with a capacity of more than 1 MW. That might seem like a technical change, but it is much more than that, as I hope to demonstrate.

I warmly welcome the Bill. It is crucial to the future management of our seas and to the conservation of the ecosystems, but it is equally critical in the mitigation of climate change. Our offshore waters offer one of our best bastions of defence against climate change, so it is crucial that this Bill does not put in place anything that will obstruct that.

In this country, we are blessed by having in our coastal waters the richest natural energy source from wave and tide that can be found pretty much anywhere in the world. It would be a tragedy if we did not harvest that energy, which is worth many gigawatts. That source could produce just as much energy as the proposed new nuclear power stations and would in the process give us an industry, which exists only at the moment in small and medium-sized enterprises that are deploying the first commercial machines, that could produce thousands of jobs and billions of pounds-worth of turnover and export potential. It could be the UK equivalent of the wind turbine industry in Denmark and Germany. There is a big prize out there and if we fail to grasp it, that will be extremely sad. Let us consider the value of renewable energy projects. This country benefits from only about 10 per cent. of the added value of wind projects. If we develop wave and tidal power properly in this country, we will get virtually all the added value and that value will be enormous.

So, why am I worried about the distinction between the MMO and the IPC? The MMO will not be dealing with offshore wind applications. Round 3 offshore wind applications will all be for installations that are bigger than 100 MW. The only applications that will come within the remit of the MMO will be the wave and tidal stream applications. For the foreseeable future, there will not be that many of them and they are bound to be for installations with capacities of less than 100 MW, as the industry has to go through its initial growth stages. There is no short-circuiting that process. Moving from 1.2 MW commercial-scale tidal stream power to the tens and twenties and finally up to 100 MW-plus will be tortuous and difficult. That process is not one that we went through with wind in Britain, because it did not happen in Britain—it happened in Denmark, Germany and Spain. It did not happen in Britain for a host of reasons, with which I will not detain the House.

Tidal stream and wave technologies are at the same crucial stage as wind technology was more than 25 years ago. We could have had the wind industry then, but for a whole host of reasons we lost it and it went abroad. That is the very real risk to wave and tidal stream technologies at the moment.

Ms Barlow: I remember the work that my hon. Friend and I did on that very issue on the Environmental Audit Committee. Will he confirm his belief that, if those opportunities are grasped, the UK could become a global leader in wave and tidal power, and that that will be beneficial to the marine ecosystems around our coast, as well as to the economy and to the future of climate change?

Dr. Turner: My hon. Friend has jumped to a point that I was working towards, but I shall turn to it straight away.

There is an obvious synergy between the marine conservation of ecosystems and the deployment of renewable energy in those locations. Of course, I am talking only about technologies of machinery with an environmental impact that is totally benign. There are only two at the moment. First, there is Pelamis, the sea snake, which is anchored, and that is about the limit of its environmental impact. Secondly, there is SeaGen, the tidal stream turbine, the first of which is operating in Strangford lough in Northern Ireland. That lough is one of the most environmentally sensitive sites in the country, and would obviously be characterised by the MCZ designation. However, the turbine has no measurable environmental impact: it is totally benign. If we deployed those machines in a marine conservation zone, we would achieve a synergy between ecosystem conservation and energy production, because by definition the presence of a tidal stream farm or wave farm would inhibit the other socio-economic uses of those waters, such as fishing, ballast, oil, gas or anything, and therefore help with ecosystem and fish conservation.

Mr. Benyon: The hon. Gentleman makes many interesting points about renewable energy, but to return to the amendment, we are talking about which agency is best

equipped to deal with the developments to which he refers. I am sure that he agrees that a number of the developments will have an environmental impact, whether it is a tidal barrage, which his hon. Friend the Member for Stroud (Mr. Drew) mentioned recently, or another system. Is the hon. Member for Brighton, Kemptown (Dr. Turner) saying that the MMO should not be qualified to talk about them, because it will be too weighted towards conservation issues and include too much greenery, in which case it must be dealt with by a much more austere organisation, such as the IPC, which will consider the matter in the round, within a national framework and alongside all such policies? If he is, I profoundly disagree. The conservation impact is absolutely vital, and that is why the MMO is better placed to deal with it. The MMO has the right momentum for increasing the amount of renewable energy that we produce.

Dr. Turner: I thank the hon. Gentleman for his intervention, but I do not entirely agree, because that is a false conflict. I am talking only about the deployment of machinery that has been demonstrated to have little or no environmental impact in its own right. We should not give the MMO the job of consenting to such deployment, because there is a very real fear that it will not have the engineering expertise to deal with it, whereas the IPC will. Is it sensible economically to set up two structures with lots of experts or to have only one? There is no way that the MMO would be excluded, in any event, because it will still be a statutory consultee that looks at environmental impact assessments.

5.30 pm

The hon. Gentleman asks whether I think that the MMO might be too green and too weighted against energy installations. He has a point there. The tidal stream turbine had a very rough passage in getting environmental impact consent, and very nearly did not get it. The assessment and monitoring process cost £4 million—25 per cent. of the cost of the whole project. The investment climate in the industry is appalling and the market is very difficult, because there is not enough support for new and inherently somewhat expensive technologies; adding a crippling burden of costs in environmental consenting creates a risk of strangling it.

Andrew George: I presume that the hon. Gentleman is not saying that his proposal would result in a lesser need for environmental impact assessments for such projects. As well as the two projects that he mentioned, off the north coast of Cornwall there is a substantial wave hub project that has recently got the necessary consent to proceed. It is a very exciting project. The route by which it received its necessary planning consent demonstrates the need for a range of Government agencies and a range of interests to come together in order ultimately to make a decision about such consents within the marine environment. One element that was not considered sufficiently in the planning process was the interests of Trinity House and maritime safety, because the wave hub will be slap bang in the middle of a shipping lane. That can be overcome. However, the primary point is that these issues are best handled by the MMO and are not to be superseded by what is otherwise a land-based Government agency such as the IPC. Does he agree that it is a question of bringing all the agencies and interests together and ensuring that decisions are taken within the marine conservation context?

Dr. Turner: The hon. Gentleman is entirely right that we must have coherence. I am not, for one moment, diminishing the role or importance of environmental impact assessments. However, it is unfortunate that some conservationists and animal or marine ecologists are blind to the fact that the most important threat to ecosystems, apart from bad fishing practices, gravel extraction or whatever, is climate change. That is what makes renewable energy installations totally different in kind from any other socio-economic use. Provided that their immediate ecosystem impact is benign, which by definition it should and can be, such installations also bring wider environmental benefits and are a weapon for climate change mitigation. I do not wish that to be undermined.

I would be perfectly happy with the MMO if I could be certain that it would have the ability to carry out economically and quickly the consenting process on the relatively modest projects in question—£15 million or so at a time. However, history does not give me that confidence.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I have been following the hon. Gentleman's argument closely, but as I understand it, the IPC was set up and its commissioners chosen to consider a small number of very large applications. I think that he is suggesting that it now take on a much larger number of small applications. I am not sure whether the structure would allow that.

Dr. Turner: I do not believe that there is any problem with the structure. The number of applications in question would not be great, and given the technologies concerned, they would be strategic. If we are to have a gigawatt-scale industry, we have to go through the initial phase up to the first 100 MW or so without impediment. If there is undue impediment, that phase will not happen and we will miss out on the climate change mitigation benefit and fail to exploit the enormous energy resources that nature has given us. Others will reap the benefit, and it will be a tragedy and detrimental to our marine environment. That is the basis on which I am arguing.

Under my amendments, the MMO would have a critical role, and no one is suggesting that it should be shoved aside. The most important thing is to have coherence and consenting procedures that are fit for purpose. If the electrical consenting is all done by one organisation, we are much more likely to get that. The MMO will be involved even in the larger projects that are referred straight to the IPC, because it will carry out the environmental impact assessments. Nobody wants to sideline it, but I am trying to put the critical mass of expertise and the efficiency of decision making in the right body, so that it works properly. That is the main nub of the argument.

The need for the synergy that I have referred to between renewable energy and the highly sensitive areas that will be designated as MCZs is now accepted by Natural England, and it has to happen. I am concerned that if the conservation lobby has too much influence and the balance is tilted too much in its favour, that synergy may be lost. It could be self-defeating.

Linda Gilroy: May ask my hon. Friend, as I did my hon. Friend the Member for Southampton, Test (Dr. Whitehead) earlier, whether he believes the problem might be resolved through the fact that Natural England,

[Linda Gilroy]

which has responsibility for developing the proposals for MCZs along with the Finding Sanctuary project in the south-west of England, has come to agreement with the Renewable Energy Association about how to bring coherence to the proposals? I absolutely agree with the basic premise of what he is saying about that coherence.

Dr. Turner: Yes, I am aware of that agreement, and I use it as support for my case, with which it is perfectly consistent.

I am fairly sure that the Government will resist my amendments stoutly—Governments generally do—as they are attached to structure that they have in the Bill. I put it to my hon. Friend the Minister, however, that if he has got that wrong—if arrangements are such that the consenting process is unduly onerous on, and expensive for, the small and medium-sized enterprises that are developing what will become a critical, strategic industry—and helps to strangle that industry at birth, he will have some accounting to do. I expect to hear some fairly secure assurances from him that that will not be the case; otherwise I urge him to accept my amendment.

The Parliamentary Under-Secretary of State for Scotland (Ann McKechin): I commend this interesting and well-informed debate, which has been on a number of important clauses that we discussed at length in Committee. We have also had an opportunity to consider further some of the Bill's very important provisions.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) rightly brought our attention to the value and experience of the staff who will form the MMO and of the existing staff at the Marine and Fisheries Agency, and to the obligation that we owe to them for their service. I am grateful, therefore, for his comments, despite the slightly disparaging ones that he and my hon. Friend the Member for Reading, West (Martin Salter) made about lawyers—I shall try not to take that too personally.

My hon. Friend the Member for Hayes and Harlington reflected the concerns raised by the departmental trade unions about the change of status involved for those staff. As he is aware, a constructive discussion on that subject was held last week with the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), and I am happy that he read the latter's letter into the record.

My hon. Friend the Member for Hayes and Harlington raised some other points. It is Government policy that non-departmental public bodies, such as the MMO, should be staffed by public servants. That is an important factor in ensuring their independence from central Government, and it is vital that the MMO is seen as an independent marine manager delivering Government policy as a whole. I would like to reassure the House that we have put in place safeguards to ensure that the terms and conditions of pensions will carry over when staff transfer, that the provisions will apply to new staff and that the MMO staff will be able to apply for civil service jobs.

As my hon. Friend correctly said, the pay will mirror DEFRA pay in 2010, although the MMO board will wish to reflect on future pay arrangements to attract staff of the right quality and experience. However, any changes would require consultation and negotiation with the trade union representatives and approval by the Secretary of State.

My hon. Friend also raised the issue of access to gateway. The civil service gateway gives access to all civil service jobs, not just to those in DEFRA. The MMO will apply to civil service commissioners, via the Cabinet Office, for accreditation for MMO staff. Providing the MMO continues to meet the criteria for accreditation, there is no reason why MMO staff should lose the benefit of access to civil service jobs via the gateway scheme.

John McDonnell: I want to be clear on this point, because a question has been raised about it. Does that include the DEFRA network services jobs?

Ann McKechin: That is indeed the case.

I hope that my hon. Friend agrees that his amendments are unnecessary given the reassurances that he has received. On that basis, I urge him not to press his amendments to a Division.

Mr. Benyon: Will the Minister comment on the points that I made about the number of employees who might transfer from the MFA?

Ann McKechin: I was coming to the hon. Gentleman's points on that subject. As he is aware, no appointment has been made, as yet, for the chief executive. A recruitment exercise took place earlier this summer. It is not that there were no suitable candidates, but that for a number of reasons we were unable to make a formal offer. I can advise him that a further recruitment exercise has just closed. Interviews are scheduled for early November, and the chief executive will be in place ahead of vesting. In the meantime, an interim senior manager has been appointed to work with the chair designate and officials on the work needed for vesting the new organisation.

Recruitment for the new headquarters and the retention of staff have been prioritised in business areas where the MFA fulfils key statutory or customer delivery functions, including marine licensing, fishing vessel licensing and the management of fish quotas. The recruitment programme was designed to deliver high-calibre staff to the organisation using objective assessment methodology, as well as technical fit, and to be phased in to bring staff into critical teams as early as possible. More than 40 members of staff have been recruited, and we are bringing them into the MFA in teams. Training for the first three teams started on 5 October. The second phase of recruitment is now under way, and we expect to bring in those members of staff from the end of November onwards. An extensive training programme targeted at the needs of individual teams is under way. Following formal training in London, the trainees are now working on a one-to-one basis alongside existing staff, who are also in London.

Once handover is completed and signed off to the satisfaction of MFA directors, there will be a period of dual running, with staff operating from Newcastle in tandem with staff in London. To ensure business continuity and a smooth transition in that period, we will ensure that there is a clear process of training, knowledge transfer and dual running. The recruitment programme to replace staff is now well under way and largely complete in Newcastle. Twenty-five members of staff

have been recruited to date, and training and handover are now under way in London. I hope that those assurances will persuade the House that we have put in place a procedure that will allow us to recruit the necessary staff of appropriate experience and that there will be a smooth transfer from the MFA to the MMO when the power is vested in it.

On amendments 30 and 31, my hon. Friend the Member for Southampton, Test (Dr. Whitehead) commented about the extensive period of reflection that we have had since our discussions in Committee. The Under-Secretary of State for Environment, Food and Rural Affairs has been in discussion with a number of different parties. I assure my hon. Friend the Member for Southampton, Test that our comments are based on that careful reflection and on ensuring that the Bill not only is as strong as possible, but will deliver on the ambitious priorities that we set out as part of our manifesto obligation.

The MMO's general objective was subject to extensive debate in the other place and in Committee in this House. Lord Hunt of Kings Heath went into great detail in the other place about why we consider amendments requiring the MMO to "further" the achievement of sustainable development, rather than to "make a contribution" to it, to be inappropriate. I do not want to repeat at length what has been said before, but I do want to make a few key points to reinforce the reasons why the Government cannot support the amendments.

As was said on Second Reading and in Committee, we already have a strong objective for the MMO. That was strengthened by the package of amendments that the Government introduced on Report in the other place, with the support of Lord Taylor of Holbeach and Earl Cathcart. That package introduced a new power to enable the MMO, in pursuit of its overall objective to contribute to the achievement of sustainable development, to take any action that it considers necessary or expedient for the purpose of furthering any social, economic or environmental purposes.

That package also provides for the Secretary of State to give guidance to the MMO on its sustainable development objective—guidance that will make clear the Government's view of the MMO's role and the principles that it should follow in fulfilling its overall objective on sustainable development. The guidance, which is in development, makes clear the MMO's strategic direction, based on the high-level marine objectives, which my hon. Friend the Under-Secretary explained earlier, and the clear legislative framework set out in the Bill. Those elements will be reflected in the objectives to be set and agreed for the MMO, as set out in its corporate plan and subject to regular performance review by the Secretary of State. Parliament will receive an annual report so that it, too, can judge the performance of the new body.

It is important to note that the vast majority of interested parties, as well as the industry sectors and other interests involved in lobbying on the Bill during its passage through Parliament, now accept that the balance that we have achieved is about right. We have received letters from a number of groups and organisations supporting the current position in clause 2, including the Renewable Energy Association, the National Federation of Fishermen's Organisations, the Business Council for Sustainable Energy and the UK Major Ports Group. I was pleased to learn that the group of environmental non-governmental organisations known as Wildlife and Countryside Link is no longer pressing for a change to clause 2. I hope that hon. Members will agree that that is a wide spectrum of interests in the marine environment.

Linda Gilroy: I acknowledge that that is a very wide group. These matters have been quite controversial, however, and the proof of the pudding will be in the eating. Will the Minister go so far as to agree that there might be a case for early post-legislative scrutiny of the Act? I appreciate that the policy statements have yet to be developed, but that would be one way of ensuring that these matters work.

Ann McKechin: My hon. Friend raises an important point. We want to get on with the real work and get these plans and policies into practice. Given the huge interest in these matters in civil society, however, I am sure that the various Select Committees and all-party groups, which are very active in the House, will scrutinise the legislation from day one. That is absolutely right, because they will ensure that the Government live up to the principles that have been outlined in the course of our debate here and in the other place over the past few months.

Martin Salter: The Minister is certainly making a fair fist of moving towards allaying the concerns that a number of us raised in Committee. She mentioned the coalition of support for the Government's strengthened position—I accept that they have strengthened it and moved towards "furthering"—but will she tell me whether the WWF is part of that coalition, or whether it is still pressing, as I believe it is, for the text of the original amendment to be written into the Bill?

Ann McKechin: As far as I am aware, the wording of that clause is not currently part of that organisation's briefing on the Bill. As far as I understand it, it is not pushing it heavily, but I cannot comment on every lobby group that has approached us. As my hon. Friend can imagine, we have been approached by a considerable number. I hope that the MMO's objective, coupled with the guidance, will ensure that the interests of all those organisations is taken properly into account by the MMO in reaching its decisions.

I cannot see how amendments 30 and 31, tabled by the hon. Member for Newbury (Mr. Benyon), would make a practical difference to how the sea is managed. The words "making a contribution to" are appropriate, given that the MMO, working within the framework of a UK-wide marine policy statement, will not be able to achieve sustainable development on its own. While the MMO will have a key role, the achievement of sustainable development in the marine area will be a partnership effort by all those who have a say in how the seas are managed. That includes other delivery bodies, regulators, the devolved Administrations, and the vast range of users of the sea and its resources.

Many of the MMO's partner organisations that will be carrying out functions under the Bill, such as the Environment Agency and Natural England, have a duty to contribute to the achievement of sustainable development under their own parent legislation. My hon. Friend the Member for Reading, West mentioned the position of the Environment Agency, and I would like to clarify that point for him. The agency has now changed its position and is no longer convinced that there is any need to change the Bill as it is currently drafted.

Andrew George: What harm would it do to make the changes as proposed by the hon. Member for Newbury? If the Minister is insisting on pressing ahead with Government amendment 4 and rescinding the decision taken in Committee, will she answer a question that I raised earlier? Of course the MMO will make a contribution, but will it be the leading contribution, as we would all expect? The other agencies that the Minister mentioned will clearly make contributions, but will the MMO be making the leading, co-ordinating contribution?

Ann McKechin: I shall explain in detail why I believe that the amendments would not strengthen the Bill. As a former practising solicitor, I have to say that I do not want the Bill to create a lawyers' charter, and I am sure that the hon. Gentleman would not want that either. That is why I want to make it clear that the current wording is important. Other partner organisations, such as the Environment Agency and Natural England, have a duty to contribute to the achievement of sustainable development under their parent legislation—including the Environment Act 1995, the Regional Development Agencies Act 1998, the Energy Act 2004, the Natural Environment and Rural Communities Act 2006, the Energy Act 2008 and the Planning Act 2008. None of those is an old piece of legislation; they are all relatively current. There are also terrestrial planning bodies and regional development agencies that, in turn, have similar obligations placed on them. It is important, in my view, to the desirability of integrating marine and terrestrial planning that we have a degree of consistency. This is not about a lack of ambition, as some have alleged. Indeed, the work of the Environment Agency demonstrates how much can be done under the existing formulation.

Introducing a different duty for only one of those bodies would lead, I believe, to a lack of clarity, which could well have unintended consequences and end up being a lawyers' charter, which all of us—including even those involved in the legal profession—want to avoid. Indeed, the hon. Member for Newbury himself pointed out the dangers yesterday when he referred to the Countryside and Rights of Way Act 2000 and lawyers dancing on the head of a pin in trying to describe where a garden finishes and a park begins.

That is precisely why we have tabled Government amendment 4, which will undo the change made in Committee to clause 44 and restore the wording that came to this House from the other place. It is my firm belief that the marine policy statement should set out the policy authorities' general policies for "contributing to" the achievement of sustainable development in the UK marine area. I have considered carefully the arguments put in both Houses in support of the current wording, but I am not persuaded. Speakers in both Houses have made much of the need, with which I wholeheartedly agree, to ensure that there is no inconsistency or incompatibility between the marine policy statement and the national policy statements that will guide decision making by the Infrastructure Planning Commission.

Similarly, my ministerial colleagues in the other place and I agree entirely with those who wish to have effective integration of marine and terrestrial plans, yet the current wording gives the marine policy statement a different goal from that of terrestrial planning documents, which would make that integration even more difficult. It may be that, semantically, there is little practical difference between "furthering" or "contributing to" the achievement of sustainable development, but that itself is part of the problem. If Parliament, after such extensive debate, insists on the use of "furthering", then marine planners and ultimately the courts will have no option but to assume that a difference was intended—yet no one seems sure what that difference should be in real terms. "Contributing to the achievement of sustainable development" is a long-established concept in terrestrial planning and other contexts, yet "furthering" is entirely untested. I do not believe that we should create uncertainties like that.

In Committee, my hon. Friend the Under-Secretary of State for Environment, Food and Rural Affairs promised to look into the possibility of inserting a reference to "furthering" into a paragraph in schedule 5 that requires the marine policy statement to undergo an "appraisal of sustainability". I can advise my hon. Friend the Member for Southampton, Test that that initially seemed like a good way of emphasising the forward momentum we expect from the policies in the MPS.

Ms Barlow: Without going too much into semantic niceties, does my hon. Friend agree that the word "furthering" might weaken the Bill rather than contribute towards sustaining fragile marine eco-systems?

Ann McKechin: There is an area of doubt, so that possibility cannot be overruled. My hon. Friend raises a point that is worth considering. That is why I do not believe that such an amendment would be helpful. It would run the risk of confusing the well-understood process of "sustainability appraisal", which has been established in other contexts for some time. I promised to consider this change, as did my hon. Friend the Under-Secretary, on the condition that in our common aim of securing a robust statutory commitment to progress in achieving sustainable development, we

"must not challenge what has been established by some quite significant legal precedents".—[*Official Report, Marine and Coastal Access Public Bill Committee,* 30 June 2009; c. 19.]

Unfortunately, amending paragraph 7 of schedule 5 may do just that, and it is for that reason alone that I have not tabled such an amendment.

Government amendment 4 is simply about restoring consistency with other legislation; it is certainly not about a lack of ambition. Let me be absolutely clear: the goal of the policies set out in the marine policy statement is to make a real, positive and ongoing difference to the achievement of sustainable development in the UK. These policies must make long-term environmental, economic and social sense. By ensuring that the MMO and other public bodies make decisions in accordance with the MPS, we aim to establish real progress and improved sustainability. Accordingly, I urge Opposition Members not to press their amendments to a Division, and to support Government amendment 4.

5.45 pm

Amendments 25 and 26 would remove from the MMO two functions that we intend to give it on vesting. My hon. Friend the Member for Southampton, Test made a number of interesting comments—backed up by my hon. Friend the Member for Brighton, Kemptown (Dr. Turner)—about the need for coherence in our planning policies, and I certainly do not disagree with that. My hon. Friend the Member for Southampton, Test also made an important point about the need to

link offshore development in renewable energy with the infrastructure that is required inshore. As he will know, we expect the Scottish Government to make a decision this month about the Beauly-Denny connection, which is vital to allowing us to connect the considerable renewable energy sources that exist in the north of Scotland and in our seas. That is why it is important for us to have both the planning structure and the political will that are needed to enable us to make tough decisions.

The hon. Member for Na h-Eileanan an Iar (Mr. MacNeil)—for the benefit of those who are not familiar with the Gaelic, let me add that his constituency is also known as the Western Isles—came in and then blew out. Unfortunately, he remained silent on why he thought that the Scottish Government rejected last year's planning application for a wind farm in the Western Isles, which is truly the windiest part of western Europe and presented significant potential for further growth in renewable energy. It is regrettable that the decision went the wrong way.

We could talk for ever about planning issues, but I think it right to return to the specific provisions in the Bill. The Bill introduces a number of changes to the way in which we manage and consent to developments in the seas, which will greatly benefit the offshore renewable energy industry. The Government are already working with the sector to develop a marine action plan by next spring, which will deal with the development of both industrial capacity and technological capability, with deployment opportunities in the United Kingdom, and with any barriers to deployment. Members have rightly raised all those issues today.

Linda Gilroy: Concern was expressed about the capacity that the MMO would have to advise on such matters. Will the Minister assure us that information on both technology and science will be at its disposal?

Ann McKechin: The first batch of renewables has already been started.

Let me also clarify something that we said at the end of last night's debate, when the noise level was particularly high. My hon. Friend asked about regional marine conservation zone projects. I can tell her that there are several pieces of guidance. The guidance that I mentioned yesterday, which deals with regional projects, will be issued by Natural England and the International Marine Conservation Congress. It should be released in draft before Christmas, and will ensure that project managers know what they need to do and when over the next two years.

I believe that my hon. Friend also referred to ecological guidance for the selection of sites within a network of marine protected sites. It will be published, but that too is a matter for guidance from Natural England and the Joint Nature Conservation Committee. The timing is in their hands, but I am keen for them to issue the guidance as soon as possible. Obviously it must be fit for purpose, but it is important for my hon. Friend to be kept in touch about progress, and I will ask Natural England to write to her with the details. She also asked about the science base. I am told that we are currently appointing a chief scientific adviser.

Let me return to amendments 25 and 26. The substantial importance that the Government place on the offshore renewable energy industry when it comes to mitigating climate change, providing energy security and contributing to the economy will directly filter down into consenting decisions made by the MMO. In addition, the Bill makes a number of improvements to the consenting process. It provides developers of offshore generating stations with a capacity of 100 MW or less with a one-stop shop for the marine-based consents. These installations will need a marine licence as well as consent under section 36 of the Electricity Act 1989. Sometimes a safety zone will also need to be declared around such installations to ensure navigational safety. Clauses 12 and 13 allow the MMO to do all those things for those geographical areas with one point of contact for the marine elements of their project. Further, not only will the MMO be a one-stop shop, but clause 78 allows the applications for the marine licence and the section 36 consent to be considered together through one set of processes and to one time scale.

Linda Gilroy: The Minister is being very generous in giving way. *[Interruption.]* Will the Renewable Energy Association concern about having a chief engineering adviser as well as a chief scientific adviser be met?

Ann McKechin: We will—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. Far too many private conversations are taking place in the Chamber at the conclusion of this debate.

Ann McKechin: I can assure my hon. Friend that we will be engaging with the renewable industries on this matter, but it is important that we have an entire skills set within the MMO so that it can deal with all the different features of marine life, including how to develop our renewable energy sources. Drawing an artificial distinction between engineering and science is not particularly helpful. We have a chief scientific adviser to the UK Government who is also our chief engineering adviser; that is one person. We believe it is important that the right skills set is brought out across the whole organisation's staff to allow it to tackle these matters. That is the right way forward, rather than simply designing one or two particular posts, as my hon. Friend perhaps suggests. I hope my remarks have reassured her.

On amendments 25 and 26, I can give the assurance that the MMO will also be a robust decision maker. It will have the authority to make evidence-based, informed decisions in line with its sustainable development objective. It will take into account all relevant factors, and in the case of renewable energy installations, that will include the contribution they can make to mitigating climate change. The explanatory notes to clause 69, "Determination of applications", make this very clear by saying that "environment" means both the local and global environment. Also, the Renewable Energy Association stated in a letter dated as recently as 22 October

> "that the provisions of the Bill could bring tangible benefits to the wave and tidal stream energy sector".

In respect of amendments 25 and 26, I hope I have reassured my hon. Friends of our commitment to ensuring that renewable energy is a priority for the Government throughout all the different pieces of legislation we are putting in place, and I urge them not to press their amendments to a Division.

Mr. Benyon: The hon. Member for Reading, West (Martin Salter) paid great tribute to the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Ogmore (Huw Irranca-Davies), calling him a superb Minister, but he also gave him a challenge, which was to think hard about the matters we have discussed in this debate. I regret that he and his colleagues have not risen to the challenge. I would, however, like to put on record at this stage my thanks to both Ministers—the hon. Gentleman and the Under-Secretary of State for Scotland—for their kindness and help in getting this legislation through. We worked very well together. I am not sure whether the hon. Gentleman will survive the plaudits that he received from the hon. Member for Hayes and Harlington (John McDonnell), but I am sure they were none the less welcome.

The hon. Member for St. Ives (Andrew George) urged Ministers to reflect on the very strong feelings about this matter. The hon. Member for Southampton, Test (Dr. Whitehead) made an interesting proposal in Committee which he raised again today. I remember thinking when it was first raised that it was an elegant solution, but I do not want commitment on this matter to be buried in the schedules to the Bill. The hon. Gentleman also defined concisely and clearly what he believes sustainable development to mean, and I entirely agree with him—but the Government feel that they have written this in stone, and they will not listen to the reasonable arguments put forward.

I am sure that a lot of organisations are happy to say that this is a question of semantics, but we think it is much more important than that. It sends a message beyond the confines of the Bill about what we believe sustainable development to mean in this crucial period leading up to the Copenhagen summit. It also matters in terms of the fulfilment of the Bill's objectives. This is the court of Parliament, and we are deciding what matters in this area. This is not a question of bowing to the concerns of lawyers, which seems to have been too prevalent both in this legislation and elsewhere.

I am sorry that we have had to conclude this business on a negative note, because we have agreed on so much throughout, but I shall insist on pressing the amendment to a Division and I hope my colleagues on both sides of the House will support me in the Lobby.

Question put, That the amendment be made.

The House divided: Ayes 200, Noes 269.

Division No. 231] **[5.55 pm**

AYES

Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Cash, Mr. William
Chapman, Sir Sydney
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan, Alan
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian

Taylor, Dr. Richard
Thurso, John
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Jeremy Wright and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McGrady, Mr. Eddie
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruddock, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don

Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Dave Watts and
Mrs. Sharon Hodgson

Question accordingly negatived.

6.9 pm

Proceedings interrupted (Programme Order, 26 October).

The Deputy Speaker put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Schedule 4

EXCLUSIVE ECONOMIC ZONE AND WELSH ZONE: CONSEQUENTIAL AMENDMENTS

Amendments made: 10, in page 238, leave out lines 21 to 23 and insert—

'(1) The Energy Act 2008 (c. 32) is amended as follows.

(2) In section 1 (exploitation of areas outside the territorial sea for gas importation and storage), for subsection (5) substitute—'.

11, in page 238, line 32, at end insert—

'( ) In section 35 (interpretation of Chapter 3), in subsection (1), for the definition of "Gas Importation and Storage Zone" substitute—

""Gas Importation and Storage Zone" is to be read in accordance with section 1(5);".'.—*(Ann McKechin.)*

Clause 44

MARINE POLICY STATEMENT

Amendment made: 4, in page 27, line 2, leave out 'furthering' and insert 'contributing to'.—*(Ann McKechin.)*

Clause 311

REGULATIONS AND ORDERS

Amendment made: 9, in page 217, line 41, at end insert—

'( ) section 141(4A);'.—*(Ann McKechin.)*

Schedule 22

REPEALS

Amendment made: 14, in page 326, line 18, column 2, leave out '21' and insert '22'.—*(Ann McKechin.)*

Third Reading.

Queen's and Prince of Wales's consent signified.

6.10 pm

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I beg to move, That the Bill be now read a Third time.

This Bill has long been campaigned for by many people—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. If hon. Members are not staying for this debate, will they please leave quietly and not engage in conversations now that we are starting on Third Reading?

Hilary Benn: Thank you, Mr. Deputy Speaker.

As I was saying, the Bill has long been campaigned for by many people. This is a moment for quiet celebration, but also for thanks to all those without whose efforts we would not be here. On Second Reading I paid tribute to the hon. Member for Uxbridge (Mr. Randall), and I am glad to see him in his place this afternoon. He has argued and worked for the Bill for many years, along with the hon. Member for Brecon and Radnorshire (Mr. Williams) and my hon. Friends the Members for Sherwood (Paddy Tipping) and for Reading, West (Martin Salter). I also want to thank my hon. Friends the Members for Southampton, Test (Dr. Whitehead), for Plymouth, Sutton (Linda Gilroy), for High Peak (Tom Levitt), for Carmarthen, West and South Pembrokeshire (Nick Ainger), for Dumfries and Galloway (Mr. Brown), for Sheffield, Hillsborough (Ms Smith), and others, as they have played such an important part in scrutinising the Bill.

I am also very grateful for the way in which Opposition Members here and in the other place have worked so helpfully and constructively to make a good Bill better. I especially thank the hon. Members for Newbury (Mr. Benyon) and for St. Ives (Andrew George). I also remind the House of the eloquent support expressed for the Bill on Second Reading by the hon. Member for Arundel and South Downs (Nick Herbert).

We should not forget the incredibly important pre-legislative scrutiny work of the Joint Committee, chaired by Lord Greenway. This is a good Bill, partly because it has been through that process. I also appreciate the work of the Environment, Food and Rural Affairs Committee, chaired by the right hon. Member for Fylde (Mr. Jack), which looked at the Bill's coastal access provisions.

I also want to thank my ministerial colleagues, including the Under-Secretary of State for Scotland. Along with the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), she has double-handed the Bill through Committee and Report. They had valuable support from my hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar). I also want to thank Lord Hunt of Kings Heath and Lord Davies of Oldham in another place, who have helped to put the Bill in the strong position that it is in today.

I am also sure that the whole House would wish me to thank my honourable Friend the Member for Ogmore. He has shepherded this Bill through the House with encyclopaedic knowledge, patience, courtesy, and, as we heard in the House yesterday, a great deal of common sense. His has been an outstanding contribution. On behalf of the ministerial team, may I say that we have been fortunate to have the support of an outstanding team of officials. It is a privilege to work with them.

I am also grateful for the co-operation of my colleagues in the devolved Administrations. We are committed to developing and agreeing a marine policy statement that will set out our policies for the sustainable development

of the UK marine area. As the House will know, a series of marine plans will translate the policies in the marine policy statement into greater detail at the local level.

Each Administration will prepare marine plans in the way most appropriate for its marine planning regions. We are committed to ensuring that administrative arrangements will build on the cross-border collaboration already in place so that we have a joined-up planning process. Although in legal terms there may be two plans, there will be joined-up marine planning.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I thank my right hon. Friend for giving way. I also want to thank the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), who took time to meet me and two members of the Solway Firth partnership about the very issues that my right hon. Friend is raising. The Government's proposals were warmly welcomed, and the meeting alleviated many of the fears and concerns that people felt. One plan for the Solway Firth comes from the Scottish Government and one from this House, but the Bill will enable much more consultation to be held. Many more people will be engaged in the process, and that has to be welcomed.

Hilary Benn: I am grateful to my hon. Friend, and he has played an important part in the process, not least by leading the delegation that met my hon. Friend the Under-Secretary of State. I am pleased to be able to say that we are in the process of agreeing with the Scottish Cabinet Secretary for Rural Affairs and the Environment a joint statement on marine planning in areas bordering England and Scotland. Once it is agreed, I shall arrange to place a copy in the Library. Further detail will be set out in concordats that we are currently developing between our Administrations, and they too will be publicly available.

I believe that the Bill leaves the House better and stronger as a result of our deliberations. A number of amendments were made to the Bill in Committee, and there was further progress over the summer. In the past two days, we have agreed the most significant of those amendments. All the changes have resulted in a Bill that truly gives us the means to achieve sustainable development in our seas.

The Bill creates a framework with the new marine planning system that sets out, through the Marine Management Organisation, how we can balance our need for minerals, energy—because our seas are a great source of renewable power—food, trade, and recreation. We also need to protect the wonders that lie beneath our seas, which are among the richest marine environments in the world.

Mr. Charles Walker (Broxbourne) (Con): Am I right in believing that the Bill will protect the Severn estuary from overdevelopment?

Hilary Benn: As the hon. Gentleman will know, the Severn estuary already has protection under the European habitats directive. In addition, the feasibility study for energy generation is considering certain proposals for the estuary, and those proposals will return to the House.

The Bill's coastal access provisions, too, have been carefully scrutinised, and they mean that it will be possible for everyone to enjoy our unique and wonderful coastline. The Bill sets out the principle of what we are trying to achieve, but achieving it is, rightly, a matter for local proposal and discussion. I am sure that that will draw on a lot of common sense too.

We look forward to the Marine Management Organisation being vested in April next year, with a marine policy statement coming within two years of Royal Assent. The first marine conservation zones should be created in 2012, and we are planning to open the first new stretches of the coastal route to include one at Weymouth in time for the 2012 Olympics.

Dr. Julian Lewis (New Forest, East) (Con): I am grateful to the Secretary of State for taking this late intervention, but he spoke about the application of common sense to coastal access. Natural England has said that 37 per cent. of coastal pathways in the south-east are not yet legally secure. The Bill is intended to make them secure, but many of those pathways already have informal access. Common sense dictates that Natural England should follow that informal access and not lay down new access routes. Will the right hon. Gentleman assure the House about that?

Hilary Benn: The hon. Gentleman makes an important point, but the Bill is designed to allow such matters to be addressed locally. I am sure that he will accept that there is no substitute for walking the route and seeing what is there on the ground. In that way sensible and pragmatic solutions to problems of access can be found, in keeping with the provisions of the Bill.

The spirit in which the issue has been approached as it was scrutinised during the passage of the Bill will, I hope, have given hon. Members and others who have a great deal of interest in how it is progressed some confidence that that will be done in a common-sense way.

Mr. John Gummer (Suffolk, Coastal) (Con): In talking about the plans for the new management arrangements, will the Secretary of State bear in mind that we were unable to debate the transfer of oil out at sea and the effect that that might have on those arrangements, because we did not reach that part of the Bill? I do not blame him for it, but that is the case. As my constituency is the only one that is affected by Russian oil coming in, it is a very great concern. We have an important maritime area and we want to feel that the Government and the new organisation are committed to providing protection.

Hilary Benn: I am grateful to the right hon. Gentleman for raising that point and his particular constituency concern. As he is aware, there will be regulations. Although there was not time over the past day and a half to debate those matters here, there will be an opportunity to consider them with some care.

I express the thanks of the whole House to the many organisations outside the Chamber that have worked constructively with all of us on the Bill—bodies such as the Royal Society for the Protection of Birds, WWF and Wildlife and Countryside Link, the heritage organisations, the representatives of ports, marinas, energy organisations and other marine businesses, and

[Hilary Benn]

organisations representing commercial and recreational fishing, all of which have supported the Bill. That is a remarkable tribute to the legislation and what it contains. At the start of the process, some might have said that it would be difficult to draft a measure in which all those organisations felt that they had a stake and which they therefore felt able to support. But that is the case, because the Bill brings something of benefit to everyone.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): Will my right hon. Friend also pay tribute to the Ramblers Association and the British Mountaineering Council—two other non-governmental organisations that have supported the Bill.

Hilary Benn: I will readily pay tribute to those organisations, and all the others that time does not allow me to list for the record, because I know that other hon. Members wish to speak.

The Bill provides for streamlined regulation and better protection of marine wildlife, establishes an integrated planning system, and establishes the framework for managing our marine and coastal waters. It will give us better means to manage what we do in the seas around our island. In particular, it will help us to identify potential conflicts arising from the fact that we put competing pressures on our seas, and find a way of doing something about them before they become a bigger problem.

I think, therefore, that we as a House can look back with satisfaction on a good job well done, and look forward to a new era for our seas. I commend the Bill to the House.

6.22 pm

Nick Herbert (Arundel and South Downs) (Con): In responding to the Secretary of State, I begin by paying tribute to my hon. Friend the Member for Uxbridge (Mr. Randall), whose private Member's Bill in 2001 highlighted the urgent need for a marine Bill. Eight years later, I am sure he will share our pleasure that we are finally speaking in the Third Reading debate of the Marine and Coastal Access Bill. I know from my own conversations with conservation organisations that they are anxious to see the Bill reach the statute book as soon as possible. We can all be pleased today that we have come another step closer to that.

The passage of the Bill, both in this House and in the other place, has been a good example of cross-party co-operation. I congratulate the Government on introducing the Bill. It is to the credit of hon. Members and the other place that party politics have largely been left to one side in a bid to create the best possible piece of legislation to protect the marine environment. We can all agree that the various amendments that have been made to the Bill have amounted to significant improvements. We now have an independent appeals process for those with concerns about coastal access, an emphasis on ecological coherence as a part of marine conservation zones, a stronger Marine Management Organisation and a sensible balance between socio-economic and environmental issues in the marine environment.

I pay tribute to the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Ogmore (Huw Irranca-Davies), for his management of the Bill, especially through Committee, and for the tireless work of his officials. The amount of consultation that he offered was welcome and led to the somewhat unusual case of our arriving at the end of the legislative process with a piece of legislation with which all parts of the House, as well as industry and conservation groups, are broadly happy.

I thank our colleagues in the other place, especially Lord Taylor of Holbeach and the late Lord Kingsland, for their excellent handling of the Bill and the steps that they took to ensure that it reached us in the form in which we now have it, much scrutinised. Lord Kingsland provided a remarkable insight during the Bill's time in the other place, as he did with all the legislation on which he worked, and his untimely death this summer was a great loss to the whole of Parliament.

We are all fortunate, as the hon. Member for Reading, West (Martin Salter) said, that the Bill received a high standard of pre-legislative scrutiny, and I thank the Joint Committee for their work. I should like to express my thanks to the Members of the Committee in this House for their examination of the Bill and the amendments that they made. I am particularly grateful to my hon. Friend the Member for Newbury (Mr. Benyon) for his work on the Bill.

I acknowledge the important role played by the many conservation organisations that took such a keen interest in the Bill, such as WWF, the Marine Conservation Society, the International Fund for Animal Welfare, the Wildlife Trusts and other members of the Wildlife and Countryside Link, together with the Country Land and Business Association and many others, which have lobbied, given briefings and supplied evidence for the Bill. We have enjoyed an excellent relationship with these groups throughout the process and we look forward to working with them in the future.

This long awaited measure is the first step in the right direction towards achieving the goal of healthy, sustainably managed seas. It provides a once in a generation opportunity to protect important areas of the marine environment, and I am pleased that we have risen to the challenge. However, progress will be made only if the conservation measures in the Bill are implemented effectively. Throughout the passage of the Bill we have argued that the management of fisheries and the marine environment should not take a top-down approach.

With the creation of inshore fisheries and conservation authorities and their power to delegate functions, we hope to see better representation of the diverse range of marine users, as well as better use of expertise at a local level. With the creation of the MMO, the Opposition pressed the Government to ensure that adequate specialist knowledge and expertise is housed within the organisation as well as being sought from outside, so that it is appropriately equipped to deal with the diverse range of marine issues over which it will preside. We are pleased with the reassurances that we received from the Minister in this regard, and will work to ensure that they are delivered.

On marine conservation zones, we were pleased that we were able to achieve a balance between socio-economic and environmental considerations with which all interested parties were broadly happy. I appreciate that there is still some concern about exactly how competing interests will be balanced, but the bottom line should be that implementation of these conservation measures must

be led by science. I am disappointed that, as a consequence of lack of time at the end of the debate, there was not more opportunity yesterday to discuss all the concerns about MCZs, particularly the amendment proposed by the hon. Member for North Ayrshire and Arran (Ms Clark).

The Minister advanced technical arguments why a power could not be given to the Secretary of State to designate a marine conservation zone for the protection of a whole ecosystem, but as Friends of the Earth said, that power could have been used to restrain damaging activities where a whole ecosystem could be put under threat. Given that the amendment created only a power, not a duty, I hope the Government noted the force of the argument.

Mr. Gummer: Is it not disappointing that on two occasions, once today and once yesterday, when the Government have done so much on the Bill, they failed to understand that giving a commitment such as protecting an ecosystem is crucial for people outside to believe that we understand how all this works? To deny that is to say something very old-fashioned—that we can pick bits out and defend those, without understanding that the ecosystem as a whole is what we ought to be concerned to preserve.

Nick Herbert: I agree with my right hon. Friend. It was a shame that there were, apparently, reasons, I believe they were largely technical, why the amendment could not be accepted. It created a power for the Secretary of State to have regard to the issues of a whole ecosystem. It is true that rather too much of the work of nature conservation is process-driven, so we have to remember that creating a marine conservation zone is not an end in itself. We should be focused on outcomes and should, therefore, be looking for tangible results from the designation of those protected areas.

Overall, I believe that we were able to achieve a balance between the competing interests, but the designation of the zones should be a flexible and ongoing process that addresses the wide range of challenges facing the marine environment. The zones should reflect the dynamic nature of our seas rather than existing as token sanctuaries, and they should have the means available to amend their boundaries or designations where needed.

It was rather disappointing that Ministers just overturned changes that were made to the Bill in Committee in relation to the MMO's role in sustainable development. As my hon. Friend the Member for Newbury said, the MMO should be a standard bearer for our seas and involved in actively furthering sustainable development, rather than simply contributing to it.

It is important to acknowledge that for the conservation measures within the Bill to be truly effective, they need to go hand in hand with fundamental reform of the common fisheries policy, which is key to achieving a sustainable future for our seas. Various elements of the Bill are reliant upon a decentralised and environmentally sensitive CFP. In its current form, the CFP has been as much of a disaster for our fishermen as for the environment. As right hon. and hon. Members on both sides of the House discussed yesterday, we must see fishermen as part of the solution to sustainable management of marine environment, and as the hon. Member for Great Grimsby (Mr. Mitchell) stressed, it is important for us to work in close co-operation with fishermen, and at no stage should they be excluded from consultations or decision making.

The Conservatives are realistic and we understand that some decisions will not please conservationists, fishermen or local communities, but we believe that if they have been engaged in the decision-making process from the start, the measures in the Bill are far more likely to be successful.

We must not forget that another marine Bill is being developed in Scotland. It may be trite to say that fish do not recognise lines on a map, but we must ensure that we work constructively with the Scottish Government and other devolved powers, so that the management of the whole of the UK's marine environment is joined up and coherent.

The focus that the Bill has received has shown that concern about our marine environment is not restricted to a few vested interests. Millions of people, including some from inland areas, have shown their concern for the health of the marine environment. Although the measures relating to that are clearly the most significant in the Bill, I do not want to neglect the coastal access element of it. We are generally supportive of the principle of increasing access to our coast and countryside, but we had concerns about the specific provisions for a coastal path. That aspect of the Bill has received a great deal of scrutiny both here and in the other place, and the measures before us today have been greatly improved in terms of safeguards and appeals. Our reservations over coastal margin, mapping, liability and future use of land have all been aired at length during the passage of the Bill, and although assurances have been given by the Minister, we will be keeping an eager eye on the development of the coastal route.

Much of the work now is in delivery—delivery of the MMO, MCZs and the coastal path. Natural England has been charged with a great deal of the responsibility for the implementation of the coastal route and MCZs. We would like to see much of the responsibility for the route devolved to voluntary access forums and local authorities. We believe that a top-down approach to coastal access is not the answer and that local groups are much better placed to designate and manage the shape of the route.

There needs to be full consultation at an early stage with all stakeholders to ensure that MCZs are robust and sustainable and that the principles of an ecologically coherent network can be set out quickly.

This is a long-awaited and important moment. We are very nearly at the end of the long process of ensuring the protection of our marine environment. The Bill is the product of a constructive legislative process that represents the kind of productive debate and discussion of which, too often, there is rather too little in politics today. We have a better Bill as a result, and I look forward, as I am sure many others do, to celebrating its inclusion on the statute book.

6.34 pm

Tom Levitt (High Peak) (Lab): I may not be the obvious Member of the House to speak about marine environments or coastal access, because we have neither coast nor marine environments in my constituency. However, High Peak is the philosophical home of the right to roam: we had the Kinder trespass in 1932 and the first open-access land designated under the Countryside and Rights of Way Act 2000, and we have more open-access land than any other constituency in England.

[Tom Levitt]

High Peak is the birthplace of the right to roam, but it is also the birthplace of one Sir Martin Doughty. Martin was my constituent, and he died of cancer earlier this year. I am sure that my right hon. and hon. Friends on the Front Bench would acknowledge that without him, there would have been no Marine and Coastal Access Bill. As the chair of Natural England, and of English Nature before that, Martin was largely responsible for working with various environment Ministers, including my right hon. Friend the Member for South Dorset (Jim Knight), my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw), the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Ogmore (Huw Irranca-Davies) and others, to bring the measure about.

Before Martin was involved in English Nature and Natural England, he was the chair of the Peak District national park and the leader of Derbyshire county council. He was born and bred in High Peak and lived there his whole life. He lived and breathed the countryside and the natural world and explored it as often as he could with a passion and humour that was truly infectious. In the 20 years that I knew him, he was one of the kindest, most gentle and most principled people that I ever met. Everyone who came across him respected him and very soon loved him.

Martin was also a great socialist, who put principles into practice in a pragmatic, thoughtful and just way. A couple of weeks ago, 200 of us gathered on Kinder Scout on what would have been his 60th birthday. There were friends, neighbours, political allies and even some rivals, people from interest groups, Government agencies, local authority leaders and two of my colleagues, my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael) and my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith), who are sitting either side of me tonight. We went not only to remember Martin, but to dedicate Kinder Scout in his memory—it was created the 223rd national nature reserve on that very day.

The ambition to create a national coastal path that is accessible to walkers, climbers and others where appropriate is sound and it is right, and it is Martin's achievement as much as that of any other individual, although he was never one to claim the limelight. I hope that my hon. Friends will consider calling all or part of it either the Doughty way or Martin's way or something in his memory.

On Kinder Scout a couple of weeks ago, we sang to Martin's memory. It will be of little surprise on the Government Benches that we sang "The Manchester Rambler". I had the great privilege of meeting the author of that song, Ewan McColl, once, many years ago, and my constituency is mentioned several times in it. Ewan McColl was the press officer for the mass trespass in 1932 and Martin Doughty's father was one of the trespassers.

Given that we are talking about the Marine and Coastal Access Bill, one verse stands out from the song—there is a prescient mention of the legislation that we are talking about. It goes:

"He"—
the gamekeeper—
"called me a louse and said 'Think of the grouse'.
Well I thought, but I still couldn't see
Why old Kinder Scout and the moors round about
Couldn't take both the poor grouse and me.
He said 'All this land is my master's'
At that I stood shaking my head,
No man has the right to own mountains
Any more than the deep ocean bed."

With that, and in the memory of Sir Martin Doughty, the founding chairman of Natural England and the moving force behind the coastal path, I congratulate Ministers on this highly significant and important piece of legislation and look forward to its enactment.

6.38 pm

Andrew George: It is a pleasure to follow the hon. Member for High Peak (Tom Levitt) and I am certain that his tributes to Sir Martin Doughty were well deserved.

This is a phenomenally important piece of legislation. In this brief contribution, I simply wish to convey this: I hope, after all the work in both Houses, that the Bill will prove in years to come to be fit for purpose, particularly regarding its original, central purpose, the future of the marine environment. It is a rich resource that deserves the protection that it will be given as a result of the legislation.

I am also grateful to the Secretary of State, and I concur with him and the hon. Member for Arundel and South Downs (Nick Herbert). As a sponsor of the Bill introduced by the hon. Member for Uxbridge (Mr. Randall) in 2001, I have likewise been following this debate for many years.

I pay tribute to the Ministers—the Under-Secretary of State for Scotland, the hon. Member for Glasgow, North (Ann McKechin) and the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Ogmore (Huw Irranca-Davies)—for the manner in which they have managed and conducted the Bill through its various stages in the House. The Bill has a wet side and a dry side—port and starboard—meaning a part that deals with marine conservation and a part that deals with coastal access. Piloting such a large ship has been a very challenging task for both Ministers. It is also an issue that provokes enormous interest on both sides of the House, not only in those hon. Members with coastal constituencies, but in many who, while they have no doubt been lobbied, also have a deep interest because we are a maritime nation. It is not possible to talk about the sea and the coast without everyone in this country taking an interest.

This is a monumental and important Bill. It is not precisely as I would have designed it—I hope that that will not be a severe handicap to it—but I think that it will prove to be fit for purpose. I hope that two watchwords will be applied to the Bill. The first is balance, which runs like a common—or even a golden—thread through it. I proposed amendments to achieve balance in the designation of the marine conservation zones and in the operation of the conservation policies and byelaws, and I hope that in the implementation of the Bill and the operation of the MMO we will achieve the balance that we all wish to achieve.

The second watchword is consensus. Throughout the debate, there has been an assumption that conflict in the marine zone is inevitable—that fishermen are always in conflict with marine conservationists. Over the last

decade, the fishing sector has increasingly worked with marine conservationists and other scientists and found common ground—

Mr. Elliot Morley (Scunthorpe) (Lab): I strongly support what the hon. Gentleman says about balance. It is important not only for the fishing industry, but for the many stakeholders in the marine environment, such as the oil, gas and dredging industries. Does he agree that one of the themes that has emerged from the debate is that we should not be reactive in relation to conservation, but proactive? Inshore management presents a real opportunity to do that.

Andrew George: The right hon. Gentleman has tremendous experience in this area, and everyone who knows of his contribution to the debate on the Bill and the marine environment generally will appreciate that he talks with great knowledge of the subject. He is right in what he says about inshore management. I hope that the IFCAs will bring together the shared interest across all the sectors, including marine conservation, to pursue consensus to achieve the constructive outcomes that we all desire. I am confident that that will be the product of this Bill, because consensus is the way forward. Many fishermen are now recognising that they must work with others with an interest in the marine environment to achieve a sustainable fishing industry.

This is a welcome measure and I am sure that it will make a significant contribution to the marine environment and, in due course, to the sustainable development of our marine resource.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. We have to finish this debate at 7 pm and several hon. Members are seeking to catch my eye. I hope that they will all make brief contributions so that everyone may have their turn.

6.44 pm

Linda Gilroy: The Bill has been one of the most satisfying measures that I have been associated with in 12 and a half years as an MP. I am fortunate to have been involved since the early stages, including the private Member's Bill that many hon. Members have mentioned. With 450 marine scientists and 1,500 environmental students in my constituency, a large cluster of marine science and technology organisations and now the first low-carbon economic zone designation in the country, which will put us at the forefront of renewable energy technology—especially wave energy—and climate change and marine technologies, it is no wonder that I have taken such an interest, and I will continue to do so.

The Bill has been amended and had clauses added, including those we have just debated, dealing with how to achieve the important balance that the hon. Member for St. Ives (Andrew George) mentioned between social, economic and environmental tensions, which is of course the very reason for the framework that the Bill sets up. It will achieve that balance, and the assurances that the Minister has given that the five shared principles adopted by the UK Administrations are embedded in the high-level objectives will be an important aspect of that as the policy statements are developed. As the Minister acknowledged, it is likely that a range of Select Committees, including the Environmental Audit Committee, the Environment, Food and Rural Affairs Committee, the Energy and Climate Change Committee and the Transport Committee—perhaps even the regional Select Committees—and all the industry and professional associations and the academics who have lobbied long and hard for the Bill, will keep it under the microscope.

I drew some reassurance from the assertion made in Committee—and repeated yesterday—that not to create a coherent ecosystem would open up the Government to judicial review if they do not follow the science. However, I have to confess to a slight disappointment at one response to an intervention earlier. I will continue to look with great interest at the suggestion by the Renewable Energy Association that a chief engineering adviser is necessary. The association thinks that the appointment of a chief scientific adviser to the MMO is helpful in respect of marine conservation, but will not address the needs of an engineering discipline such as marine and renewable energy, and that is why the MMO should also be required to appoint a chief engineering adviser. Time will tell on that point, as on others.

Everybody will want to help make this globally ground-breaking framework work. The Minister and the civil servants have received many plaudits, which they richly deserve. The challenge will now be for the MMO to draw on the rich expertise that has been displayed throughout the formulation of the draft Bill and its various stages in both Houses. Whether as a legislator, a scrutineer, a constituency MP or someone who has walked 200 miles of the 600 miles of the south-west coast, I intend to try to play a small part in taking the framework forward.

6.48 pm

Mr. John Randall (Uxbridge) (Con): I thank the Front Benchers and other hon. Members for their kind words. When my private Member's Bill failed in the other place, I was in fact mightily relieved. It seemed like a simple idea at the time, but I realised that I had unearthed an issue that no private Member would ever be able to get on the statute book. I am pleased that all parties made a commitment to the issue, and it fell to this particular team to take it on. We have had a variety of sympathetic Ministers and Opposition Front Benchers. I pay particular tribute to the current incumbents on the Treasury Bench, who have worked hard, as have my hon. Friends on the Front Bench.

I also wish to thank the organisations involved, although it was their members—our constituents—who pushed this issue. I can remember many colleagues telling me about the masses of letters and e-mails that they had received on this subject. They were delighted to find out that we were supporting this Bill, and everybody has played a part in its progress. All those interested in the marine environment have worked hard to get to this point, and that should be recognised outside this House. I still have a couple of questions that time does not allow me to ask, so I shall write to the Minister and I hope that in his usual manner he will answer them.

We should feel proud. This Parliament, from 2005 to 2010—if that is when it will be—will be remembered for many things, and probably not all very kind things to those of us who have been here. But there is one thing of which we should all be very proud: this Bill. Every time that we look across the sea, or we are on the sea, we can feel that we have done our bit to protect it. I would sound only one cautionary note: it has been difficult enough to get this legislation, but the real, tough proof will be in making it work.

6.50 pm

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): It is a pleasure to follow the hon. Member for Uxbridge (Mr. Randall) and to agree with his last point. I congratulate the Secretary of State and his Ministers on the Bill. I want to concentrate on the issue of coastal access. I cannot think of a better way of celebrating the 60th anniversary of the national parks than the designation of the south downs, which is now combined with the opening up of coastal access by the Bill.

I was Minister for Rural Affairs and Local Environmental Quality when we implemented the right to roam, and I experienced the enormous complexity of going beyond the legislation to do the work of opening up that access. It was not just the commitment of Ministers but the excellent work and commitment of officials at DEFRA who carried that through that allowed us to go so far so fast. That is no mean achievement, and the right to roam is now not as controversial as it sometimes was in advance of that legislation.

There will be similar challenges in implementing the coastal access requirement. I know what that entails and just how complex that can be, because for 10 years I took youngsters to work on the South Glamorgan heritage coast to open up access. The commitment to opening up coastal access is enormously beneficial, and that experience taught me how much the social benefits of such access mean to young people. When I see those youngsters now, as quite middle-aged adults, they always refer to that experience. There is something very important about the link to the special parts of our natural environment. The most single significant fact about coastal access was borne in on me when I opened both ends of the south-west way, with its value of £300 million a year to the local economy. It is about our natural environment, the benefit to society and the economy.

I endorse the comments made by my hon. Friend the Member for High Peak (Tom Levitt) about Sir Martin Doughty. He was a great friend and a wonderful human being, and I cannot think of a better way of making the link between people and the environment than a title such as Martin's way for the coastal footpath. He is not just a local hero; for many of us throughout the United Kingdom he was one of those individuals whom we value because he made such a contribution to society. It is significant that, with my hon. Friends the Members for Sheffield, Hillsborough (Ms Smith) and for High Peak, we commemorated him on Kinder, where it was not just controversial but against the law to walk on the hills. I am delighted that my hon. Friend the Member for High Peak made the link between the high hills of the country and the coast.

This is a significant piece of legislation, which I am sure we will value for many years to come.

6.53 pm

Mr. Gummer: I represent 74 miles of coastline, so for me this is an important Bill. I want to put it on record that I have a fundamental objection to the basis on which the coastal path is placed. It is entirely wrong and it will be very damaging in the future, but I recognise how we have reached this situation.

However, that is my only disagreement, because the main part of the Bill on marine protection makes a very important contribution. I pay tribute to a person who is no longer a Member of the House, Tam Dalyell, who represented West Lothian and who played an important part in supporting the original Bill—the Marine Wildlife Conservation Bill promoted by my hon. Friend the Member for Uxbridge (Mr. Randall).

I supported two amendments, and it is in no spirit of party politics or indeed irritation that I come back to those in these last words. The promotion of sustainability must be at the centre of everything that we do, and the Government, in objecting to that, and indeed reversing the Committee's decision, have done something very serious. By that very reversal they have suggested something that I do not think they mean but which could easily be used afterwards to stop actions being taken that should be taken. Sustainability should be our watchword. I remind the Secretary of State that his former leader, on becoming Prime Minister in 1997, said that he would put sustainability at the heart of all his policies. To have voted that down tonight was a mistake. It was also a mistake not to put on the face of the Bill the words about ecosystems, and that will prove to be so.

There is one other matter that I am sorry that we have missed. District councils feel that they have a particular role that was less than adequately recognised in our discussions, as they are very often the maritime authorities.

Altogether those are small things once one recognises this important Bill. It is important in recognising what has obviously been the input of civil servants to remind the Minister in future to avoid the temptation of "better not". I suspect that some of the matters that we have pressed were not taken on board because somebody said, "Better not." We need to be adventurous, and I hope that the new management arrangements will enable, at least in prosecution of the Bill, the adventure that is so important. It is the beginning of a new part of our history: the proper protection of the seas. I wish it well. This has been an exemplary procedure. I only hope that those who carry it through—that is where the proof, as my hon. Friend the Member for Uxbridge said, will be—will push the boundaries further with a spirit of determination in a way that most of us, on both sides of the House, would like them to do.

6.57 pm

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): As the coastal path goes through the constituency of the right hon. Member for Suffolk, Coastal (Mr. Gummer) he will learn the huge benefits that will flow from it, as I have in my constituency where the 187 miles of the Pembrokeshire coastal path is seen as a huge economic benefit to the area as well as an opportunity for people to see some of the best maritime scenery not only in this country but in the world.

I congratulate not just the present team but the teams which, over the years, have worked on the Bill. I know, as a former Minister, that discussions took place with the devolved Governments on its detail, and it took a long time. Remarkably—it is remarkable—the industry and all the pressure groups have come together to achieve consensus and balance, and it took a lot of work to achieve that.

As well as the important features, such as the designation of marine conservation zones—which are vital and in the long term will have a huge impact on our ecosystems

and sustainability, not just of those habitats but of the fishing industry, which will benefit hugely in the long term—the fact that we are now seeing our marine areas as an important source of energy in the future meant that it was vital to get the planning systems right for our offshore areas. It would have been catastrophic to meeting our climate change obligations if we could not develop renewable energy from our marine areas.

So, congratulations are genuinely deserved in this case. The Bill is a good example of cross-party and cross-interest working, admittedly over a long time. The gestation period has been long, but the birth that we hope to see shortly is well-deserved and its results will be incredibly effective, too.

7 pm

Debate interrupted (Programme Order, 26 October).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the Bill be now read the Third time.

Question agreed to.

Bill accordingly read the Third time and passed, with amendments.

Opposition Day

[Un-allotted Half Day]

Parading in Northern Ireland

7 pm

Mr. Peter Robinson (Belfast, East) (DUP): I beg to move,

That this House recognises that the right of free assembly and peaceful procession is an intrinsic human right and an important part of the British heritage; acknowledges the cultural significance of parading in Northern Ireland and its tourist potential; regrets the attempts by a minority to interfere with the right to parade peacefully; and accepts that it is a political imperative to resolve such matters, especially in a context where it is proposed to devolve policing and justice powers to Northern Ireland.

I should perhaps begin by providing some explanation for the choice of this subject matter and by outlining something of our purpose and intention. Members who study these things will be aware that our last Opposition day debate was on the economy. We are currently considering the issue of policing and justice, which is a major subject in Northern Ireland, and parading is closely aligned with that subject and therefore has a critical common theme, which I shall come to in the course of my remarks.

The wording of the motion was considered in the context of ensuring that this would not become a debate of contention. I and my colleagues desire that the matters relating to parades in Northern Ireland should be resolved. That is particularly important in the context of the devolution of policing and justice. I strongly contend that although they have been divisive issues in the past, they should not be treated in a manner whereby it is a victory for one side or another to seek and gain a resolution. A resolution should be considered to be a success for all.

I said that I believed it to be imperative that we resolve these issues in the context of the potential devolution of policing and justice. To leave them unresolved and to devolve powers in policing and justice would plant a seed at the heart of government in Northern Ireland that would, I believe, be corrosive and derisive and could ultimately be the straw that breaks the camel's back. I urge people seriously to consider these matters and to put them at the centre of debate, particularly in Northern Ireland, and I urge politicians to seek a resolution to the problems.

All too often, we get around to June or July and politicians and other well-meaning people decide that that is a good time for us to start to consider how we can resolve the issue of contentious parades. It is already too late by then—the parades start moving forward, it becomes more difficult to get a resolution and we all wait to the following year before we suddenly wake up to the issue again in June or July.

For that reason, as First Minister I invited the Orange Order in Portadown and the Garvaghy road residents to come to see me so that we would have a full year to start working through how we might resolve the issue. I believe that we made some progress. I found that both parties were willing to sit down and to talk about how they might resolve the issues, and both were looking towards the Parades Commission or some other independent arbitrator to bring together the parties and

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to consider a resolution on that parade, which is one of the longest running disputed parades with which we have to deal. Now is the time to do this—we should not wait until we are into the marching system, as it is called in Northern Ireland, before we start struggling with these matters.

It is my goal and that of my colleagues, I hope, that over time parades in Northern Ireland will be dealt with as they would be in any other part of the United Kingdom—indeed, as they would be in any other European democracy. As a Unionist I have no difficulty in stating categorically that a human rights framework is crucial to get us to that point in Northern Ireland. I recognise that that framework will be defined principally by the case law of the European Court of Human Rights, although there will be some who will not be happy about that. I also recognise that in certain situations there might be a number of competing rights. In any lawful society the balance between such competing rights will ultimately be determined by the courts, not by the group that has the ability to cause the maximum disruption around contentious parades.

Those who are concerned that the legal framework in Northern Ireland surrounding behaviour at parades might not be sufficiently adequate to deal with these circumstances should not lose any sleep worrying that additional legislation is required. The contents of the statute book are more than sufficient. A cursory glance through the relevant criminal legislation reveals no fewer than seven pieces of legislation that could be applied to anyone misbehaving at parades—either those participating or those protesting. They are: the Public Order (Northern Ireland) Order 1987; the Protection from Harassment (Northern Ireland) Order 1997; the Terrorism Act 2000; the Offences Against the Person Act 1861; the Criminal Justice (No.2) (Northern Ireland) Order 2004; and, of course, the Human Rights Act 1998, which places all public authorities under an obligation to act in a manner compatible with the European convention on human rights and to take into account decisions of the European Court of Human Rights.

Freedom of expression as guaranteed by article 10 of the convention has been described by the Court as

"one of the essential foundations of a democratic society".

Who am I to disagree with that assessment? That right, of course, is not absolute, but again the Court provides assistance when restrictions on freedom of expression are mooted. Any restriction "must be convincingly established" and subject to very close scrutiny, given the recognition that freedom of expression is often a pre-requisite for the enjoyment of many other rights, including the right to freedom of peaceful assembly as articulated in article 11. That right is one that

"should not be interpreted restrictively".

Again, the Court is of assistance.

Let me say to Unionists, who have for far too long been reluctant to embrace the protections that human rights legislation provides, that there should be no hesitation in praying the convention in aid on parading matters. Two cases stand out in that regard. In 1980, the European Commission of Human Rights held in Christians Against Racism and Fascism *v.* UK that

"the right to freedom of peaceful assembly is secured to everyone who has the intention of organising a peaceful demonstration".

It went on to state that

"the possibility of violent counter demonstrations, or the possibility of extremists with violent intentions, not members of the organising association, joining the demonstration cannot as such take away that right. Even if there is a real risk of a public procession resulting in disorder by developments outside the control of those organising it, such a procession does not for this reason alone fall outside the scope of Article 11".

Eight years later, the European Court of Human Rights gave judgment in Plattform "Arzte für das Leben" *v.* Austria. Forgive me, Mr. Deputy Speaker, for quoting from that judgment, but given the history of intolerance shown towards loyal order demonstrations, it is perhaps helpful to show where the balance of rights lie in a lawful society. It stated:

"A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate."

It goes on:

"Genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the State not to interfere: a purely negative conception would not be compatible with the object and purpose of Article 11."

Let us compare the rights that the Court articulated with the strategy that republicans organised and orchestrated in opposing lawful parades. Gerry Adams's now infamous briefing, fortuitously caught on tape by RTÉ, is chillingly cynical. Let me remind hon. Members of the unguarded but authentic words of Mr. Adams. He said:

"Ask any activist in the north, 'did Drumcree happen by accident?', and they will tell you, 'no'. Three years of work on the Lower Ormeau Road, Portadown, and parts of Fermanagh and Newry, Armagh and in Bellaghy and up in Derry. Three years of work went into creating that situation and fair play to those people who put the work in. They are the type of scene changes that we have to focus on and develop and exploit."

The situation to which Mr. Adams refers was one in which those seeking to exercise their convention rights were prevented from doing so by violence and by the threat of violence. As I said, the demand for parading to be seen in a rights-based framework is one that every citizen of the United Kingdom—indeed, of any democracy worth the name—can comfortably support.

Let me dare to make the point that no matter what role Sinn Fein had in the creation of parading disputes, it is now in the interests as much of Sinn Fein as of Unionists to find a resolution. A way forward can gain the support of both sections of our community, and it is both achievable and desirable.

My colleagues and I strongly support the work of Lord Ashdown, who has been working on the strategic review of parading in Northern Ireland. My party welcomed the initiation of the review, because it provided an opportunity to take a fresh look at the issue and to put right the failures of the past. The review body published an interim consultative report in April 2008, and the foreword to that report was signed by all the members of the review group—all the members, including the well-known Belfast republican Sean "Spike" Murray. Given the consensus reached in April 2008 by the group, which also had a leading member of the Orange

Order on it, one has to ask why the final report has not reached the Secretary of State. I make it very clear that it is no fault of Lord Ashdown that it has not done so; after all, the timeline envisaged in the foreword was,

"to deliver the final report to the Secretary of State in the autumn of 2008";

and the group believed that its proposals

"could and should be brought into effect early in 2009".

I suggest that the reason for the delay is that Sinn Fein is seeking once again to use parading as a means to create what Mr. Adams might call a "situation"—this time not around anything so crude as threatening any expression of Britishness, but around an attempt to extract a political price to deliver what has already been agreed. Mr. Adams and his proxy may rue the day that they linked the future of the Ashdown review to the devolution of policing and justice powers, but, in that interim report, that is precisely what they did; and, just as Sinn Fein insisted that changes in parading arrangements could not move forward until policing and justice functions were devolved, I, too, indicate that those functions cannot be devolved until we have moved forward with the necessary changes in parading.

In the Unionist community's experience, the Parades Commission has continued to issue determinations either restricting loyal order parades or preventing them from taking place because of threats of disruption and, in cases, violence itself. However, the Commission does not receive too many Christmas cards from republicans, either. Instead of being part of the solution to the problems that are associated with parades in Northern Ireland, the Parades Commission has become part of the problem. For that reason, my party has been clear that we want to see the Parades Commission abolished and a new system instituted to deal with parades in the Province. I believe that there is widespread support for that position. Indeed, it is also the context in which the Ashdown review has been written.

In recent days, much has been made about the financial package that the Prime Minister has offered in respect of the devolution of policing and justice responsibilities to Northern Ireland. I welcomed his publication of those proposals, and I believe that the Assembly should seriously consider them in its Assembly and Executive Review Committee. Throughout those discussions, however, my colleagues and I have consistently argued that community confidence is a necessary pre-requisite for any such transfer of powers. Indeed, in November 2008, in a published process paper that was agreed by the Deputy First Minister, an entire section—the so-called group 5 issues—was based on the principle that community confidence would be required.

That group of issues identified four steps, concluding with the requirement:

"Secure necessary community confidence for the transfer of policing and justice".

I have a responsibility to gauge when such confidence exists, and my best advice to the House is that, in order to increase public confidence sufficiently to create confidence in the devolution of policing and justice powers, a resolution of the parading issue will be indispensable. In particular, such an outcome will not include the Parades Commission.

Resolution is possible by the establishment of an acceptable rights-based framework. It also means tackling the small number of contested parades that grab the headlines when protest descends into violence. The last published statistics—for the year to the end of March 2008—show that in Northern Ireland there were 3,849 parades. The Parades Commission labelled 250, or 6.5 per cent., of them as "contentious", which actually means that the application required detailed consideration.[9] Only 147 of the total, or 3.8 per cent., required the imposition of conditions. One fifth of those "contentious" parades related to the Drumcree stand-off alone. The resolution of parading issues in five areas—just five areas—would at a stroke transform the atmosphere in Northern Ireland and increase community confidence, with all the attendant benefits that that would bring.

The motion before the House recognises the tourist potential of parades in Northern Ireland. This year it was my pleasure to attend and speak at the Orangefest launch event in Belfast's Parliament Buildings. Indeed, it was the second time that I have been invited to speak at the event, and I am not a member of the Orange Order, so that says something about the inclusive nature of the order and its attempt to reach out beyond its own ranks. This year the celebrations, known as the Twelfth, took place on 13 July, so the Twelfth was on the 13th this year in Belfast. But that was not the only break from the norm. On the four-mile march to "The Field" in south Belfast, 10,000 Orangemen, from as far afield as Ghana, Togo and Canada, were joined by colourful street entertainment. In total, 100,000 people were in downtown Belfast. Happily, for the first time in recent memory, city centre traders opened for business during the celebrations. The BBC coverage carried a series of interviews with tourists from across the globe.

Mr. Jim Devine (Livingston) (Lab): We are having a similar debate in Scotland, and one of the models that has been proposed is that we might introduce a parades commission. If Northern Ireland had such a successful 12 July, or 13 July, surely that shows that the Parades Commission is working.

Mr. Robinson: The initiative of Orangefest was not that of the Parades Commission but of the Orange institutions themselves. Indeed, the same has happened with the Apprentice Boys, who have made a festival out of their event, encouraging tourists to come to the city of Londonderry just as the Orangemen, through Orangefest, have encouraged large numbers to come to the city of Belfast.

Where the shopkeepers have gone, in opening their premises during the marching period, it is my earnest hope that the hoteliers and the general tourist industry will follow. This year the Northern Ireland tourist board reported that the Twelfth was "a great success." Festivities in Belfast to mark Orangefest on 12 and 13 July went without a hitch and are likely to be repeated. According to city centre management, the feedback from attendees suggests that those will become regular activities. An initial small survey of members of the public attending the street entertainment reported very high satisfaction levels, with 98 per cent. intending to return next year. According to the Belfast visitor and convention bureau—one of the Orangefest partners—the traditional dip in visitor numbers experienced in July, largely due to fears about personal safety during the marching season, has been reversed in the past five years. In fact, Belfast's hotel market records bed-night occupancies in excess of

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80 per cent. in the middle of July—something that one would not have seen anything remotely close to in the decade before.

This motion is not being brought before the House in a contentious manner; I believe that its wording avoids contention. I hope that it will bring centre stage a debate on parading that requires a solution. That solution must involve those who parade and those who protest. It should lead to ensuring that those who wish to march do so in a dignified and peaceful manner, and that those who wish to protest do so in similar fashion. Respect for cultural diversity must be the objective. I look to the day when historical and cultural expression, from wherever it may come in our society, is seen to enrich and colour our lives rather than being a cause of division and contention. I commend the motion to the House.

7.22 pm

The Minister of State, Northern Ireland Office (Paul Goggins): Let me begin by congratulating the right hon. Member for Belfast, East (Mr. Robinson) on his opening speech. It was a very thoughtful and considered contribution, and a good start to this evening's debate. He promised at the outset that he would not be contentious, and would instead explore the issues around parading. He was as good as his word, and I think that that will help to stimulate a very constructive debate. He raised a number of interesting and important points. I am grateful for the opportunity to discuss those issues with him and his colleagues, and indeed with Members in all parts of the House. The debate has already illustrated, even from its opening speech, the continuing importance of this issue to the people of Northern Ireland.

Our discussion comes at a time when considerable political progress has been made in Northern Ireland. The advances of recent years should not be underestimated, as time and again political leaders have demonstrated that where a problem exists, so too does a solution. Dialogue and political engagement have brought great rewards for Northern Ireland. As many people from all over the world comment, including Secretary of State Clinton on her recent visit, the way in which seemingly intractable problems have been overcome stands as an example to many other areas that are beset with violent conflict.

Notwithstanding the progress that has been made, however, this debate clearly demonstrates that there are still issues to be resolved. In the time that I have held my current responsibilities in Northern Ireland, it has always been clear to me that there are no easy answers to the complex and sensitive issue of parading. Certainly I concur with the right hon. Gentleman that coming to address the issue each year in June or July is far too late: discussion and dialogue has to begin much sooner that that. It is also clear to me that it is in local dialogue, in trying to resolve disputes, and in working tirelessly together across communities, that solutions can be found and a way forward can be identified.

Difficulties associated with parading can only, and will only, be resolved when there is engagement at political and local level, when there is understanding of and respect for different opinions, and when we move away from thinking in terms of winners and losers—as the right hon. Gentleman himself suggested. There has to be an atmosphere of tolerance whereby everyone accepts the right to parade as well as the right to peaceful and lawful protest. Again I pay tribute to those—including many of those in this House today—who give unstintingly of their time and energy to ensure that the majority of parades and protests pass without incident. In particular, I take this opportunity to pay tribute to the right hon. Gentleman for his efforts—he described them in his speech—in seeking to begin a process aimed at finding a resolution to the issue of Drumcree. As I know from our many meetings and discussions, the hon. Member for Upper Bann (David Simpson), too, has over many years sought to resolve this issue.

In any discussion on parading, it is important to keep the issue in perspective. The vast majority of parades in Northern Ireland pass without incident; only a small fraction of the 3,000 parades each year are considered to be controversial. But I recognise, too, that parading has the capacity to cause division. I also acknowledge that there are those who would, for their own cynical purposes, seek to exploit difficult situations in an effort to drag people back to the past.

Problems of public order can quickly escalate. Notwithstanding the signs of progress in Belfast this year—on 13 July, as the right hon. Gentleman said, rather than 12 July—with further signs of progress in the economy and in tourism, the situation faced at Ardoyne on 13 July, when dissident republicans, against the wishes of local people, attacked the police and sought to disrupt the parade, provides a very recent example of how things can go wrong and serves as a reminder that not everyone in Northern Ireland wants to see the parading issue resolved. Those who would bring firearms into an area, and leave them where children can find them, as they did at Ardoyne that evening, treat such communities with total disdain.

More generally, those who deliberately stir up public order tensions have as their objective the destruction of community relations and the creation of division, apprehension and insecurity. They want to damage Northern Ireland's reputation, to drive away potential investment, and to undermine the efforts of those seeking to encourage others to come to Northern Ireland as a tourist destination.

It is vital, therefore, that we all work together to ensure that the dissidents are unsuccessful in what they seek to do. That means providing leadership at the political level and fostering an environment of understanding, co-operation, tolerance and mutual respect at the community level. It is not, as such people would have us believe, a case of "you win and I lose". If the dissidents have their way and instil their sense of bitterness and hatred across the community, then, of course, everyone is a loser. That is why it is vital that politics is seen to work and that communities recognise the need to find a way of respecting the traditions of those who wish to parade, while acknowledging the rights of those who wish to protest.

In acknowledging that 2009 has in some areas been a difficult parading season, I want to recognise the work of the Parades Commission. It has made a major contribution to the delivery of successful and peaceful parading in Northern Ireland in recent years, and I pay tribute to it for all that it has done. Its job is extremely challenging and sometimes makes it unpopular; it takes courage to take difficult decisions. It is worth remembering that in recent months, threats have been issued against

the members of the commission by dissident republicans opposed to the decisions that they have taken. The House will want to join me in condemning those who seek to threaten and intimidate in such a way. They have nothing to offer, and will not be allowed to succeed.

In paying tribute to the commission for its work, I also acknowledge that we recognised at St. Andrews that a new approach was required to deal with parading. The Government therefore established the strategic review of parading under the chairmanship of Lord Ashdown to see whether a sustainable solution could be found. I said when I announced the review that it was not going to be a quick fix, and I wanted the review group to have the time to consider the matter carefully and hear and reflect on all shades of opinion. The Government welcomed the publication of the interim report, which, as the right hon. Gentleman indicated, was supported by all members of the review group and presented detailed and carefully considered proposals. It was clear from the document that the group had listened carefully to the representations received.

I pay tribute to the review group for its work. It comprises representatives from different traditions—those who wish to parade and those representing communities with concerns about parading. They have sat down together, used their experience, discussed their differences and mapped out a process based on dialogue and the development of a shared understanding of their different views and positions. That is the required approach if a long-term resolution to the parading issue is to be found. Lord Ashdown has indicated that the group is finalising its work, and the Government look forward to receiving its report.

The Secretary of State and I have always made it clear that the Government stand ready to introduce changes to how parades in Northern Ireland are managed when there is community agreement so to do. That is intended not to take away from the work of the Parades Commission, but rather to recognise that there are other mechanisms by which a resolution to this long-standing problem may be found.

The solution brought forward 11 years ago is not necessarily the one for today, or indeed for the future. Politically, we are in a different place now from where we were when the commission was established. It is not surprising, therefore, that the review group will want to consider whether a different process is required and where responsibility for that process should be located. However, it is important to recognise, as the strategic review interim report does, that until changes are implemented and ready to operate, the Parades Commission will remain the final arbiter in parading matters.

The abiding and consistent lesson from the Northern Ireland peace and political processes is that where there is a problem, the political parties and the different communities can work together productively to secure a solution. The solution to the parades that are the source of community dissension and division, as Lord Ashdown has indicated, and the Secretary of State and I have repeatedly stated, will come through local dialogue and the development of tolerance, understanding and mutual respect.

I recognise that concerns are deep-rooted and will not be resolved overnight, but if we do not find a solution, the potential for wider political, economic and social damage should not be underestimated. All of us must collectively continue to work towards a solution, and I encourage all the parties in Northern Ireland to focus on the contentious parades that, as we have seen again in 2009, have the potential to undermine the achievements of recent years. Together we must put in place a process that will ensure that divisions are healed and respect for different traditions is encouraged.

We need to ensure that parading is about not winning and losing, but creating the space for communities to come together, work together in an atmosphere of mutual understanding and find a way forward that will acknowledge the rights of all sides. I encourage all those engaged in this matter not to close their minds but to continue to see the opportunities. The Government remain committed to working with the parties to secure the necessary agreement, and to doing whatever we can to move this issue forward.

7.34 pm

Mr. Laurence Robertson (Tewkesbury) (Con): I, too, congratulate the right hon. Member for Belfast, East (Mr. Robinson) on introducing the debate. I agree with the Minister that he spoke in a reasonable and measured way, which is appropriate given the sensitivities in Northern Ireland in general, and particularly on this subject.

I agreed with much of what the Minister said, and I thank him for being available to discuss these issues and for having an open-door policy when it comes to matters involving Northern Ireland, whether it be in the Chamber or when we discuss statutory instruments, as we often do. I believe that we will be back together next week to discuss one or two more, and I look forward to that.

The right hon. Member for Belfast, East, was absolutely right to draw attention to the fact that everyone has the right to assemble, to march and to protest peacefully. The Minister reinforced that point. Freedom of speech and expression is a time-honoured tradition, and we should never dispense with it or endanger it. Additionally, we have to understand that in Northern Ireland, expression through marches has cultural and historic importance—an important matter, to which the motion draws attention.

As the right hon. Gentleman said—the figures are worth repeating—in 2007-08 the Parades Commission received notification of 3,849 parades, of which only 250 were contentious. Of those, only 147 had conditions applied to them. As he said, less than 4 per cent. of the parades were of real concern. That said, 147 parades being seen as contentious or difficult and having to have conditions attached to them is a large number, even if a small percentage.

It is important for sensitivity to accompany both the debate and any march or protest, and to be demonstrated on both sides. As everybody knows, Northern Ireland has two very different cultures with different views, but we have to move forward together and recognise that we are trying to build a shared future. Sensitivity and respect on both sides is therefore important. We have made the most enormous progress in Northern Ireland, and we should pay tribute to all the political parties that have taken part in the democratic debates, and to the people of Northern Ireland. The fact that the people had had enough of the troubles was one of the most telling factors that enabled the Province to move forward.

We still feel, however, that there is a need for a body to take decisions on parades, even if that body is not the Parades Commission as such. We are aware that the

[Mr. Laurence Robertson]

commission may not command respect throughout Northern Ireland, but the Minister was right to draw attention to the fact that it has done a great deal of good work. Importantly, it took the responsibility for deciding on parades away from the police, leaving them to look after the parades without having to make the rules about them. However, it does not enjoy complete support. It has some, but we want to engage with the people of Northern Ireland in deciding what should replace it and how we should move on.

I spoke to the Minister earlier, and as I understand it—he may wish to confirm this—it is for this House in Westminster to decide what will replace the Parades Commission. If we are so minded, it is also for this House to devolve decision making on parades to Northern Ireland. As I understand it, that does not happen automatically with the devolution of policing and justice. I would be grateful if at some point in the debate the Minister could confirm that I am right.

Paul Goggins: I am happy to intervene on the hon. Gentleman, as he invites me to do. As I said, we are looking for a consensus. We want to work with the grain of consensus in Northern Ireland, which is why it is right that Lord Ashdown and his review group are taking time to see if that consensus can be found. However, it is true that if there is a consensus, and therefore a need for a change that would move the system for regulating and managing parades away from the Parades Commission to another process or system, primary legislation would be required, and that would be taken through the House. Subsequently, that issue might be devolved to Northern Ireland. That is the expectation and the basis on which we are working at the moment.

Mr. Robertson: I am grateful to the Minister for that response.

Even if we are taking those decisions here, which the Minister has confirmed, it is extremely important that we talk to the political parties in Northern Ireland and other people there who are involved. I recently had a meeting with the Orange Order, whose members expressed their concerns to me about the process. I listened to what they said, and I am happy to meet anyone in Northern Ireland to discuss those issues. Those people must have a large input into the process.

We believe that the interim Ashdown report provides the ideas on which we can build. It would be unwise to take too many decisions until we have the final report, which we look forward to. Afterwards, however, we intend to consult widely with people in Northern Ireland to see what they think is the way forward.

At this stage of the interim report, however, we have a concern. With great respect to the First Minister, who introduced this debate, we are not convinced that it would be right for him and the Deputy First Minister to decide on parades, given how things are set up at the moment. There is, in effect, a four-party coalition in the Assembly, and we perhaps believe that those decisions should be taken more neutrally.

I shall draw my remarks to a conclusion, because a number of people want to speak in this very short debate. I want to finish by agreeing with the right hon. Member for Belfast, East and the Minister. Parading should not be used as a political football or to score points off each other. We are talking about a very sensitive issue and about people's lives being affected. The right hon. Gentleman has already mentioned the quote with which I shall finish. As Lord Ashdown said, the vision must be for

"a situation where, over time, parades and assemblies in NI can be regulated in the same way as they would be in any other European democracy".

We want those decisions taken locally, but we also want to continue the process of moving Northern Ireland towards the normal politics that we enjoy in the rest of the United Kingdom.

7.43 pm

Mr. Eddie McGrady (South Down) (SDLP): All of us in Northern Ireland with responsibilities as politicians have always had firmly before us the need to harmonise our communities and the diversity of opinions, politically and culturally. I, and my party, have been working towards that objective for decades. It cannot be said tonight that I am trying to, or that I wish to, score party political points at the expense of the main aim of bringing communities to an understanding, in an atmosphere of togetherness and toleration.

Simply because of my age, I probably have greater experience than most in the House of parades and the violence surrounding parades. From way back, I remember when the Royal Ulster Constabulary made certain decisions that were affirmed and confirmed by the then Minister for Home Affairs. That was a recipe for disaster in Northern Ireland, and as it would be still were that to happen again.

We have heard much about the progress being made in Northern Ireland. I welcome that with open arms because I have worked towards it all my life. We should remember that in the negotiations on, and build up to, the contents and implications of the Good Friday agreement, policing was a kernel point and parading a kernel point of that policing. As I remember it—correct me if I am wrong—one of the Patten recommendations was the establishment of an independent, cross-community representative body to make decisions regarding the many contentious parades that were endemic only one decade ago.

Statistics have been quoted tonight by Members on all Benches about how we are dealing with nearly 4,000 parades, only 4 per cent. of which are potentially contentious, and perhaps only a handful of which result in violence. I cannot see the logic in using those statistics to condemn the work of the Parades Commission, because, logically, I would say that they represent the results of the good work of the Parades Commission. Like any other body, it will make mistakes, for or against whoever has a particular bone to pick with it. Generally speaking, however, it was the commission's removal from local, political and even security decision making that enabled communities by and large to have confidence in it.

Sammy Wilson (East Antrim) (DUP) *rose—*

Mr. McGrady: I have only just started my speech.

There are examples in many other areas where matters had to be addressed in a similar fashion—for example, the Fair Employment Commission has had responsibility to deliver fair employment and the Northern Ireland

Housing Executive has responsibility for housing—and all have proved successful and non-contentious. If we are to fix something that I believe ain't broken, I would like to know how that is to be done. Over the past decade, each summer during, let us call it, the marching season, the number of incidents of community disturbances and violence has decreased.

This past summer, with the notable exception of north Belfast and one or two lesser incidents of violence, was the quietest marching season, as we call it, that I can ever remember. If we are to fix this thing that is failing, therefore, I and my community—all communities in fact—will want to know how a betterment will be achieved. It should not simply be done at the behest of one party's political demand or as justification for the devolution of policing and justice.

The community in Northern Ireland believes that the Democratic Unionist party set the abolition of the Parades Commission as a precondition—not as an argument—for the devolution of policing and justice. That smacks of political footwork—and more credit to the party if it can achieve its objective that way—but do not let us pretend that it has something to do with the evil works of the Parades Commission. It does not. It is all to do with political manoeuvring against the party's own internal opposition and external political opposition.

I have not seen the detail of the final report of the Ashdown strategic review of the Parades Commission—indeed, I have heard tonight that it is not yet finished. I find that amazing, in view of the statement made by the Secretary of State for Northern Ireland on 6 October, when he said that the Government fully endorsed the recommendations of the Ashdown report and would pay for the implementation of the changes. Mr. Deputy Speaker, have you ever heard of a commission that has not yet reported being fully endorsed by a Government with promises to pony up the money required to implement the as yet unpublished recommendations? What is happening is absolutely bizarre. The people of Northern Ireland know quite well what is going on: promises undertaken and private deals.

The Minister underscored the point once or twice that there must be cross-party and cross-community support. Where was the consultation or cross-party support before the Government made their decision? There was none whatever; or perhaps it was in another eight or 12-page private letter from Downing street to the right hon. Member for Belfast, East (Mr. Robinson), which no one in Northern Ireland is privy to. Perhaps the Government do not have the political courage to publish it—

Dr. William McCrea (South Antrim) (DUP) *rose—*

Mr. McGrady: Just give me a moment. *[Interruption.]* I will come back to the hon. Member.

That is where we are at. The thrust of this evening's motion is the abolition of the Parades Commission—full stop. It is not about cultural expressions or the God-given right to march. Indeed, I remember asking an eminent human rights barrister about the right to use the Queen's highway to march. He told me something interesting that I never knew, Mr. Deputy Speaker, which is this: you do not have the right to march on the Queen's highway; you have the permission to march, which is entirely different. If people's use of that permission is put in jeopardy by the intent of their actions, that right is withdrawn. There is therefore no automatic right to march.

We had a wonderful presentation from the right hon. Member for Belfast, East in moving the motion about how we are talking about a huge cultural festivity, with tourists flocking from all over the world to it—*[Interruption]*—and there are a few people who know all about that. Yes, but the right hon. Gentleman did talk about the main parade, with 100,000 or however many Orangemen—by the way, I wonder how many signatories to the motion made a declaration of their interest as members of the black, orange or whatever other colour order, but that is all right.

Belfast central parade was never a matter of contention, because there was common ground. My home town, which is 80 to 85 per cent. nationalist, is a small example of that. The local Orange bands parade every 12 July with no bother at all. They can do so any time they want, as long as they are local and as long as people do not come in from afar deliberately to try to create disruption. Do not be fooled, Mr. Deputy Speaker, that people's motives are always altruistic or that they want to express their culture and give delight to tourists. There are sometimes other reasons involved.

Paul Goggins: I am grateful to my hon. Friend for giving way. I am sure that I speak for the whole House in paying tribute to him and his party for the role that they have played in the progress that has been made in Northern Ireland. It is also worth pointing out that he was a member of the Policing Board for a considerable period when that was not an easy position to hold. However, I would like to put this point gently to him. He said that remarks had been made that amounted to a condemnation of the Parades Commission. However, let me remind him of what I said in my speech, when I went out of my way to praise the Parades Commission and the role that it had played, often in difficult circumstances. None the less, consensus needs to be found. It is clear to me that we cannot lurch from parade to parade, year after year, with no consensus on how parades are managed. Addressing that was the task that we gave Lord Ashdown. If, at the end of the process, as long as it is, we can reach a consensus on the way forward, that will be worth it.

Mr. McGrady: I thank the Minister for his brief interruption. What I would say in that context is that, at best, he is damning the Parades Commission with faint praise. We in the SDLP are used to that—we are damned with faint praise by the Government very often, but that is another story altogether. The Minister reiterates the need for cross-party or cross-community consensus, but I wish that he would engage in it a bit more, so that secret deals are not done inside or behind 10 Downing street.

Sammy Wilson: I thank the hon. Gentleman for giving way—I thought that his speech would not be inclusive, but I am glad that it is. Does he accept, first, that he was wrong about the origin of the Parades Commission? It did not come about as a result of Patten. Secondly, he was wrong to link the quietest summer that we have had with the Parades Commission. The reason why we had a quiet summer with parades last year was that Sinn Fein has been tamed in its opposition to parades as a result of my party's work to make it accept the rule of law and the police.

Mr. McGrady: I do not know whether to thank the hon. Gentleman for that interruption, but I have to deal with it. I stand corrected, but when the Patten commission dealt with community policing it endorsed the concept of a parades commission. That is where I am coming from, but if I am wrong about that, it does not make a great material difference to my point.

The Ashdown report, as I understand it from what we have gleaned, makes a number of proposals. I started my comments by talking about the old regime, which was disastrous and in which politics were involved in parade decisions. I hope that I will be contradicted and told that I am wrong about this, but I understand that one aspect of the Ashdown proposals is a political, managerial and administrative role for local councils. Is he serious? The second aspect of the proposals, at a regional level, is for the political involvement of the Office of the First and Deputy First Minister. Is that serious? That would bring any old dispute at the crossroads into the local chamber, where it would become a major debate, resulting in a major confrontation in the community. As they say around my way, "I hope yous catch yourselves on," because that is not the way to proceed.

When we see the Ashdown proposals, I hope that the Northern Ireland Office will indicate why it thinks that the Parades Commission should be abolished and what it found was failing, so that a judgment will be made against that, as opposed to against as yet unknown proposals. My fear is that that which, by and large, has proved to work, difficulties and all, will be abolished with nothing meaningful left in its place.

7.58 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): We have had a remarkably measured debate so far. It has been remarkably lacking in contention and controversy—[Hon. Members: "It has not finished yet!"] There may be more to come, of course. I have no doubt that, once some hon. Members hit their stride, they will make every effort to meet our earlier expectations.

In considering today's debate, I spoke to a number of civic and business groups in Northern Ireland. I listened carefully to what the right hon. Member for Belfast, East (Mr. Robinson) said earlier about the reasons for choosing this topic for debate. I was prepared to be quite critical of his choice until I heard the way in which he presented his case. The way in which he explained his reasoning did him and his party considerable credit. When I told those civic and business groups about this debate, however, they all—to a man and a woman—said, "Why on earth are you discussing that? Surely you should be talking about falling manufacturing output, jobs, and the other serious economic issues that Northern Ireland is facing at the moment." I take a great deal of encouragement from that, because it shows that, whereas in the past the entirety of our debates on Northern Ireland would have been on this kind of topic, there is now an enthusiasm in the community there for a broader, more normalised debate—as we would see it from this side of the water.

Mr. Peter Robinson: I am grateful to the hon. Gentleman for his remarks. As our last debate was on the economy, I did not want us to present ourselves as a one-trick pony. However, the issue of the economy is vital to the people of Northern Ireland, and that is why it is the one item that is constantly on the agenda at every Executive meeting that we have. We have a cross-sectoral advisory group, in which the very people that the hon. Gentleman is describing interface directly with the Government so that we can develop a partnership as we move towards recovery.

Mr. Carmichael: I am grateful to the right hon. Gentleman for that intervention. I think that I have made my point in that regard; it does not need labouring further.

There is a great deal to be gained from a radical review of parading, with everything on the table. It is surely in everyone's interests to make progress on this issue. Others have already referred to the Ashdown commission and the strategic review of parades that was set up in February 2007. Obviously, given the involvement in that process of my right hon. and noble Friend, Lord Ashdown, we have been supportive of it throughout, and we remain so. The interim report that the commission has produced is a good one, and it is worth reminding ourselves of the long-term vision that the commission outlines in it. It states:

> "Our long term goal is to create a situation where, over time, parades and assemblies in Northern Ireland can be regulated in the same way as they would be in any other European democracy."

That is a significant ambition. It goes on:

> "Our vision is of a society where parades and protests are no longer the focus or cause of community conflict and in which cultural celebration"—

of the sort described by the right hon. Member for Belfast, East described—

> "takes place in a peaceful and respectful manner in a society characterised by tolerance, human rights, equality and confidence in a future shared by all."

As others have observed, the work of the review has still to be concluded, and we do not therefore have a final report to consider. However, the interim report is a substantial and significant piece of work that is illustrative of the approach that the review team has taken. In our view, the principles laid down in the report are the right ones. The review was right to stress the importance of local dialogue, for example, and the report states that

> "the Strategic Review believes that it should be fundamental that conversation, dialogue and local agreement become the normal way of doing things. A simple phone call or conversation can, more often than not, resolve differences and difficulties before they escalate and entail recourse to the mediation or adjudication processes we have devised."

Indeed, in recent marching seasons, representatives of the Orange Order and community groups have shown real leadership in trying to garner local agreement and foster good relations. It is essential that this should be built upon, as local dialogue can lead to local solutions, thereby preventing the increase in tensions and violence that we saw in the late 1990s and at the beginning of this century.

Political traditions and identity, including parading, will continue to be central to cultural and social life in Northern Ireland. However, this must be separated from any threat of intimidation or violence. In democratic societies, disputes should be resolved through peaceful dialogue. As the right hon. Member for Belfast, East said in his speech, freedom of assembly and the freedom to protest are not absolute rights; they have to be balanced against other competing rights in the community.

In the past, disputes over parading and associated protests have been dealt with by the police, by the Government or by independent arbitrating bodies like the Parades Commission. The strategic review believes that the resolution of disputes over parades cannot be successfully achieved without the engagement of representative politics and of political leadership. Devolution provides an opportunity to move towards normality by reconnecting decisions on these difficult issues to local democratic politics. We therefore welcome in principle the role envisaged for local councils in providing support for the development of skills in dispute resolution, both within the council and its staff, and within the wider community. We hope that this will help with the aim of resolving disputes at local level. To that extent, I have to part company with the hon. Member for South Down (Mr. McGrady).

Feeding into this is the proposal by the strategic review to improve an understanding in Northern Ireland of parades and parading, and of their cultural importance and significance. Indeed, the review team helpfully sought the views of key stakeholders right at the beginning of its deliberations. It identified an immense gulf in understanding of the culture and traditions of each part of the community, which is a prime contributor to the difficulties in reaching local accommodation regarding parades and protest issues. The strategic review stressed, and we agree, that if progress is to be made on parading, it is imperative to address the existing lack of cultural understanding through an effective education programme that includes reconciliation, tolerance, mutual trust, and the protection and vindication of human rights for all.

We therefore fully support the recommendations that a cultural understanding education programme should be developed under the auspices of the Office of the First Minister and the Office of the Deputy First Minister, in collaboration with local communities, and that the Northern Ireland Human Rights Commission should seek to raise awareness of the human rights framework relating to public assemblies and the rights of others. The strong emphasis on a rights-based approach to resolving disputes is very welcome. This can provide a framework for the just resolution of disputes, and the means for ensuring consistent decision making in the regulation of public assemblies. To that end, the review recommends that the outcome of any mediated, negotiated or adjudicated dispute should reflect a proper balance between the right to freedom of peaceful assembly and the rights of those who live, work, shop, trade, visit and carry on business in the locality affected by an assembly.

Ultimately, quiet marching seasons and community dialogue are essential if Northern Ireland is to have the shared future that it needs to grow the economy. To this end, the recommendations of the interim report from the strategic review are an important step forward, and we look forward to the review's final recommendations.

8.8 pm

Mark Durkan (Foyle) (SDLP): It is a pleasure to follow the hon. Member for Orkney and Shetland (Mr. Carmichael), although, unfortunately, I disagree with a number of the points that he made. I will refer to those later. It will also be no surprise to him that I support some of the apprehensions expressed by my hon. Friend the Member for South Down (Mr. McGrady).

The motion states that

"this House recognises that the right of free assembly and peaceful procession is an intrinsic human right",

yet it has been tabled by a party that has difficulty acknowledging intrinsic human rights in other areas. That is why the Democratic Unionist party is opposed to anything like a meaningful, robust Bill of Rights for Northern Ireland, saying that we do not need one, and why it rejects a rights-based approach to a number of other policy areas—*[Interruption.]* We can point to all sorts of rhetoric to show that that is what it does.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): Will the hon. Gentleman give way?

Mark Durkan: Not yet.

The motion also

"regrets the attempts by a minority to interfere with the right to parade peacefully".

I certainly do not want to see anyone's right to parade peacefully interfered with. There are, however, contentions around the question of what that right is, particularly in circumstances in which people feel that a parade that has been introduced or imposed in their area is provocative to the interests, identity and sentiments of the people in that area. That can give rise to the question of whether it is a peaceful parade, and whether it involves the normal right of assembly.

We need to recognise that there are few rights that apply regardless. We know that in the context of Northern Ireland people's exercise of the right of assembly has given rise to various public order issues, either directly or indirectly—either as a consequence of the people brought out to parade or to demonstrate in a given situation or as a consequence of those who come out against them and the wider atmosphere created. We know that in Northern Ireland there is a duty on us all to have regard to community relations and the interests of public order, so we need to remember that there are various requirements, in respect of responsibilities for good and proper public conduct, and in respect of the rights that may be asserted on behalf of particular interests to march or demonstrate.

I recall that there was some dispute about the provenance of the concept of a Parades Commission. Let me first reinforce what my hon. Friend the Member for South Down said: the Patten report worked very much on the basis of the Parades Commission already being in place, and fundamentally asserted that the issue should never revert to police officers having to make judgments and decisions on whether to permit parades on the basis of the risk to public order—in essence, on the basis of who represented the biggest threat.

That is what we had for a number of years in the '90s. The police were caught in a vice between the loyal orders insisting on a right to parade in contentious areas and groups calling themselves "residents groups". We heard earlier about what the right hon. Member for Belfast, East (Mr. Robinson) believes to have been the orchestrated and syndicated nature of some of those residents groups in opposing marches. We saw for a number of years the police caught having to take those decisions; basically, they called a parading decision on the basis of who offered the biggest threat to public order.

[Mark Durkan]

That created serious situations, but not just for the individual parades, as it also meant that for a number of summers the political process was transfixed. The talks had to stop in 1996 because of the contentions in and around Drumcree. George Mitchell had to stop the talks in Castle Buildings for two weeks while these matters were dealt with and played themselves out. Policing found itself compromised—decisions were made on the basis not of fairness but of where the biggest threat lay—and politics found itself transfixed.

In 1997 talks took place, and again we had Drumcree in early July. There was a new Government, and Mo Mowlam was the Secretary of State for Northern Ireland. Because of Drumcree in 1997, Mo Mowlam, in tears and after only two months in office, offered her resignation to the Social and Democratic Labour party leadership—to John Hume, Seamus Mallon and to Brid Rodgers. I was present at the meeting, too.

Dr. McCrea: Surely the hon. Gentleman's speech is proving that the issue of parading has to be dealt with. I find it somewhat ironic and strange that he is telling the House that the Secretary of State offered her resignation to the SDLP instead of to the Prime Minister.

Mark Durkan: To clarify the position for the hon. Gentleman, the Secretary of State made it clear at the time that if, because of our anger and concern at how she had handled the Drumcree issue—accepting the recommendation and bowing to the demand of the Chief Constable that a parade be taken down Garvaghy road under the cover of darkness in the early hours of the morning, against all the assurances and promises that she had given—and if the SDLP leadership of John Hume and Seamus Mallon were saying that they could not trust her, she would resign.

However, that was not the only part of the conversation. Mo Mowlam also made it clear that she wanted to make sure that a Secretary of State would never again be put in such a position and that a Chief Constable would never again find himself forced to take a decision on parades because of who represented the biggest threat and what was the best way to end the situation—even though there would be huge fallout in community relations and politically. She felt that she had no choice and that no Secretary of State would have had any choice but to bow to the demand and recommendation from the Chief Constable in that instance—given the terms in which the Chief Constable voiced his recommendation—and that that was no way to decide things. She shared with us the determination to ensure that the issue of parades would be insulated from the vexed issue of policing and from politics.

That is the success of the Parades Commission. Has it got every decision right? No. Has it got every process right, and have its various agents working in different situations always got everything right? No, they have not; but they have broadly succeeded in making sure that politics and policing have been earthed from the convulsions that surround parades.

Mrs. Iris Robinson (Strangford) (DUP): Does the hon. Gentleman agree with me that the Parades Commission and its make-up did not reflect the widespread community in Northern Ireland?

Mark Durkan: I think that the Parades Commission at various times during its broad life has been reflective. There were controversial appointments, including those that nationalists did not like, particularly when attempts were made to put people from the loyal orders into positions. People asked then, "Is that credible? Is that balanced?", but the fact is that, in the round, whatever exceptions people took to its particular decisions or whatever issues people had about particular appointments, the Parades Commission has broadly succeeded in its initial task of defusing the parades situation, which had been becoming ever more serious, partly for the reasons on which the right hon. Member for Belfast, East touched.

Yes, the parades issue was used by Sinn Fein to contrive difficulties and tensions that would lead to wider political stand-offs. It is very easy to stoke prejudice in one community and to stoke prejudice in another, creating a crisis. That is partly what was happening. However, Sinn Fein were not alone in winding people up at that time. Other political leaders were doing the same and were playing into Sinn Fein's hands. One of the successes of the Parades Commission has been to defuse all that potential.

It should be remembered that Sinn Fein did not welcome the Parades Commission. They spent a long time not recognising it, attacking its decisions and attacking its processes. The impression is given that only Unionists have ever had difficulty with the Parades Commission and that it was always going to be a home run for nationalists—it never was. The creation of the Parades Commission meant that politics, in coming to the Good Friday agreement and bearing down on it, was not caught transfixed and hamstrung by having to handle the parades issue. It also meant that the operational capacity of policing was freed from having to make the most awkward calls in relation to parades. The police were having to step in when there was a failure of politics or when an absolute contrivance of confrontation was created. The Parades Commission helped to ensure that the new beginning to policing, as recommended by Patten, was able to bed down. Without the Parades Commission taking decisions on parades, God knows how the new Police Service of Northern Ireland would have worked and how the Policing Board would have coped.

Dr. McCrea: Surely the hon. Gentleman has to accept that on many occasions the Parades Commission made its judgment on the basis of who offered the greatest threat.

Mark Durkan: The Parades Commission made its judgment on the basis of quite a number of issues. Its judgments did not focus only on the right of assembly; it took other things into account. Yes, public order issues were relevant, but it also considered who was making a good effort in terms of engagement and dialogue and who was genuinely open to the concerns of others. *[Interruption.]* I know that some people dislike those other considerations. *[Interruption.]* I know that they would prefer the sole right to parade to be the only yardstick by which permission is given.

Mr. Deputy Speaker (Sir Alan Haselhurst): I am sorry to interrupt the hon. Gentleman, and I am the last person to want to take the vivacity out of these exchanges, but sedentary comments are not helpful.

Mark Durkan: I will give way shortly, Mr. Deputy Speaker. It should be remembered, however, that over the years the Parades Commission has produced criteria and considerations that are becoming ever more transparent. Over time, they have developed in ways that have enabled the commission to respond to some of the concerns and criticisms that have been expressed. What we do not know is what will happen if the commission is to go—and DUP Members have made clear that that is their aim: whenever my hon. Friend the Member for South Down suggested that it was the real purpose of the motion, they all said "Hear, hear".

We must ask ourselves whether the objectives and criteria that the Parades Commission have built up will hold any sway in the future. Those who say that the interim recommendations from Lord Ashdown are good, and who just cannot wait for the final report, should ask what Lord Ashdown has said about what weight will be given such considerations in the context of the processes that his review recommends.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I was tempted to say that the hon. Gentleman had driven by the point that I had intended to make, but as we have had no drive-by vetoes in his remarks so far, I will forgive him for that. Does he accept, however, that those who do not believe that the Parades Commission offers the best solution are often frustrated by the fact that in many instances in which they have made every effort to engage with residents—for example, those in the Portadown district have engaged with everyone and anyone who will talk to them—the commission has given no recognition to their efforts, and that that is part of the frustration felt by those who want to parade and are denied the right to do so?

Mark Durkan: The answer lies in what the right hon. Member for Belfast, East said earlier. He produced statistics showing that the overall number of contentious parades had been greatly reduced. He ended up not just talking about the percentage, but saying that if we get away from the Parades Commission and go with the Ashdown proposals, we would resolve the problem of five parades.

On what basis can we assume that simply implementing the Ashdown proposals will resolve the issue of parades in five areas? How are we to believe that moving away from the Parades Commission will not dangerously reopen issues of parades in other areas that have been broadly resolved thanks to the exhaustive work of the Parades Commission and those who have engaged with it? The idea that we can take everything for granted, and that as long as we adopt the Ashdown proposals those remaining five problems will be solved, is naive in the extreme.

I must take issue with the hon. Member for Orkney and Shetland (Mr. Carmichael). The idea that the task of handling the vexed issue of parades should be remitted to councils, particularly the new councils that will be created as a result of the review of public administration—they are unknown entities at this stage, and there is as yet no agreement on the governance protections in relation to new councils—is also extremely naive.

There is a danger that those councils will find themselves embroiled in controversies that they did not create or cultivate—when someone else decides to create a parades dispute. The right hon. Member for Belfast, East produced a quotation from Gerry Adams which made clear that Sinn Fein had deliberately contrived [illegible] controversies and cultivated them over time, and the fact is that there are other people out there with the same agenda. Dissidents revealed this year how they were prepared to behave in the Ardoyne. They showed it in a different and perhaps slightly more subtle way in Derry, where they organised, in the guise of an anti-internment demonstration, a counter-demonstration to the Apprentice Boys on the same day in an attempt to create tension and difficulty.

We know that there are people out there whose agenda is to use the parades issue to breathe life into themselves by creating confrontation and tension that will inevitably persuade people to join one side of the stand-off or another. Will those people not be given an incentive to say, "If we can create a difficulty, it will become a problem for the new local council"? It will be a technocratic matter, but those people's propaganda will insist that it is a problem for the political body corporate.

Council officers will not thank anyone—including the hon. Member for Orkney and Shetland—for putting them in a position in which they must say "Sorry, Ashdown has come up with this idea, and some officials are agents of the council so they must take the heat whenever contention arises, because we wash our hands of it." It would be awful if politicians contrived that situation, only to step aside and allow other public officials to take the blame. Council officers might be put in the position in which the police have found themselves in the past.

Mr. Robinson: I am not sure where the hon. Gentleman and the hon. Member for South Down (Mr. McGrady) are getting the idea that somehow district councils will find themselves having to resolve disputes. That is not the role that Ashdown has given them. The hon. Gentleman would do well either to read the interim report or to wait until the final report has been published before jumping to conclusions. It is clear that councils have been given an administrative role involving dealing with non-contentious parades. If a parade is deemed to be contentious by any person objecting to it, it will move to a different stage.

Mark Durkan: I am afraid that I disagree with that interpretation. What we are creating is a licence and an incentive for people to make things contentious. An issue that will be non-contentious in one year will become contentious in another, and that will put officers in an invidious position. It will be assumed that what was agreed last year with X personnel in such and such a group stands for this year as well. When that new contention is created, the political problem will arise of why that has happened. There are enough examples of its happening in other areas involving council officers, and it has involved civil servants in central Government Departments as well.

I recall civil servants engaging in entirely good faith with different community groups involved in contentious issues during my time in the Office of the First Minister and Deputy First Minister in relation to north Belfast and Holy Cross, and I know exactly the sort of difficulties that are created as people reinterpret what they said. They say, "We did not say that it was non-contentious.

[Mark Durkan]

We had particular concerns and set down conditions that have been forgotten, and we ended up with officials giving very different accounts of the meetings that they had from those given by the people with whom they engaged." There is a danger of that happening at council level.

There is also the proposal that the OFMDFM should have a role in appointing panels if the issue is contentious. Again, we are being told that that will not be done by a political wing of the OFMDFM, but by the bureaucratic administrative technocratic wing. The fact is, however, that people will decide that they can have a premium crisis if they create contention in relation to a parade that then involves the appointment of a panel by OFMDFM. As far as they are concerned, they potentially have the First Minister and the Deputy First Minister where they want them: caught in relation to a controversial and contentious parades issue. There is the danger in that of paralysing that office and compromising people within the office, and there is also the danger of going back to the days when the political process was transfixed and caught, as different parties had to rally to either side of a local parade stand-off.

We need to see the dangers in this. An exaggerated case has been made against the Parades Commission when all the evidence of the improved environment of parades shows that it has broadly been working. I agree that it can be improved. All sorts of adjustments can be made and we need to make them, and we must also learn all sorts of lessons and move forward, but the idea that we can simply dispose of the Parades Commission for an untried, untested alternative, which other people with very destructive and malign agendas will test, is a dangerous idea.

The undertone to this debate is that moving in the suggested direction is somehow a precondition or requirement for the devolution of justice and policing. The right hon. Member for Belfast, East earlier seemed to be warning Sinn Fein about creating linkages around the issue of parades and the devolution of justice and policing. The warning equally applies to the Democratic Unionist party. We cross the wires of politics and parades at our peril. The construct of the Parades Commission was all about making sure that we separated the highly charged wires of policing, parades and politics. It is important, in everybody's interests, that we keep them separate.

8.30 pm

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I welcome the opportunity to participate in this debate. The hon. Members for Foyle (Mark Durkan) and for South Down (Mr. McGrady) referred to the need to retain the Parades Commission and talked about its success. I beg to differ with that assessment. I do not count it a success that in Northern Ireland today we still need commissions to make decisions for us on the basis that we lack the maturity to make them ourselves. I do not count it a success that the Social Democratic and Labour party's vision of the future is that local politicians cannot sit down together and work out local problems in local areas, but that they have to rely on commissions. The days of SDLP crutches propping up the difficulties in our community should be put behind us. If we can sit in government in Stormont dealing with the big issues of the day, why can we not deal with these issues? Is that not the political maturity we want in Northern Ireland?

Is it not time that we kicked aside the crutches of the commissions that have been propping up our community for years, and instead started to deal with the contentious issues that confront us? After all, the SDLP will tell us time and again that the template for success in Northern Ireland is the Belfast agreement, and the Belfast agreement talks about tolerance and respect. I understood that tolerance was about tolerating things we do not necessarily like, because tolerance is not about tolerating things we like. The kind of society we want in Northern Ireland is one not where the Orangemen are restricted to walking in Downpatrick on the one day of the year when they are permitted to walk there, but where they can, perhaps, hold a parade on another day when they will be welcomed and can express their culture in a society that demonstrates tolerance, and where it is not a question of whether they live in the town or come from a few miles outside it. If people want to express their culture, they have the right to do so and those who do not necessarily accept that culture tolerate that right. That is the mark of a mature society.

Mark Durkan *rose—*

Mr. Donaldson: I fear that the kind of society the SDLP talks about is a society where there is continued division and continued segregation and that it is about, "Our territory and your territory, and you stay in your territory and we'll stay in ours, and ne'er the twain shall meet." That kind of segregation is not the mark of the Northern Ireland we want for the future—the SDLP as the segregated, democratic and labour party? That is certainly not what we want. We in the DUP want to see a united Northern Ireland. That is our vision: to remove the divisions within our country.

Mark Durkan: Will the right hon. Gentleman give way?

Mr. Donaldson: No, I will not give way. The hon. Member had 20 minutes to speak. We on this side will have less time, and I want to take the full opportunity to say what I have to say.

Segregation is not the way forward in Northern Ireland. Dividing up our society is not the way forward. Territorialism is not the way forward. A shared future is what we want; that is what the DUP wants. That is what we are working towards achieving in Stormont. That is what we are working to achieve throughout Northern Ireland—and, yes, it would be nice if that were recognised from time to time. Irish nationalism talks, in the constitution of the 26 counties of the Republic, about cherishing all the people of the nation equally. Why do I feel at times rather uncherished by Irish nationalism?

I should have declared an interest at the beginning of my remarks: I am a member of the Orange Institution and the Royal Black Institution, which are marching orders in Northern Ireland. I am proud to be a member of those institutions, and I believe that it is fundamental to a society that tolerates, that respects and that upholds human rights that people have the right to pursue their culture, uphold their identity and pursue the public expression of their religious beliefs without being interfered with and without the threat of violence.

With the greatest respect to the SDLP Members, may I say that the mark of the Parades Commission has been the very thing that they have criticised? The commission has been about giving in to the greater threat of violence, as has been seen time and again. The hon. Member for Foyle talked about the Parades Commission rewarding good behaviour, yet on so many occasions that has not been the approach that it has taken. I am sure that my hon. Friend the Member for Upper Bann (David Simpson) will discuss the situation in Portadown. As my right hon. Friend the Member for Belfast, East (Mr. Robinson) made clear, that district has been engaged in dialogue with all groups and all types of people. It had been told, "There is no walking unless you talk." It has talked and talked to whoever will listen, yet still it is not allowed to walk. Why is that? It is because we are allowing narrow-minded hatred and bigotry to prevent the creation of the kind of society that we want in Northern Ireland, which is one based on tolerance and respect, not segregation. I know that the hon. Member for South Down was well intentioned in what he said, but he talked about my rights being permitted and that is precisely the wrong approach to take to the situation in Northern Ireland. Surely what we want is consensus and people coming together to agree; we do not want a situation in which people say, "We own this territory. This is nationalist territory. If you want to walk in it, you need our permission." *[Interruption.]*

Mr. Deputy Speaker: Order. I appeal for no sedentary comments to be made, and I address that remark to the whole House. A number of hon. Members are hoping to make their own contributions. I cannot compel hon. Members to take interventions or otherwise, but I hope that there will be no sedentary reaction.

Mr. Donaldson: Thank you, Mr. Deputy Speaker. I was outlining why we believe that, as my right hon. Friend the Member for Belfast, East made clear, the Parades Commission has become part of the problem, not the solution. The fact that the situation of a number of parades remains unresolved 10 or 12 years or more after its creation testifies to the reality that it has failed to deal with those issues. We believe that one of its fundamental flaws is that it is a body of arbitration. We need processes that deal with mediation, with the facilitation of discussion and with local agreements being reached. We are not getting that from the Parades Commission—it has failed in its remit in that respect and has largely become a body of arbitration. That is not the way in which to build a society where there is tolerance and respect. If we are to create the kind of society envisioned by the authors of the Good Friday/Belfast agreement—call it what one may—we do not just need to see lip service paid to those high principles and objectives; we need to see practical attitudes adopted, changes in attitude and people not being disparaging about parades on 12 July. It is a shame that the hon. Member for South Down would not take it upon himself some year to come to the 12 July parade in Belfast, so that he could see for himself the pageantry and the colour.

Mr. McGrady: I have no problem with viewing the tourist attractions of the 12 July parades, be they in Downpatrick or Belfast, and I support local industry. I have never received an invitation to the Belfast parades, but where would I stand? Would it be in the Ormeau road or somewhere else?

Mr. Donaldson: We might even get the hon. Gentleman a place on the platform. I will ensure that he is issued with an invitation to the 12 July parades; I am sure that the hon. Member for Belfast, South (Dr. McDonnell), who is not here today but who is a contender for the leadership of his party, will be able to find a suitable location for the hon. Member for South Down to view the parade going up the Lisburn road on its way to the field.

It is that kind of engagement that we want to promote. Unfortunately, ignorance sometimes breeds mistrust, and it can lead to the sort of misunderstandings that result in the confrontation that we have seen in the past. The loyal orders have made real efforts to reach out. They have looked at how their parades are presented and how people regard them. Those efforts have to be recognised.

It was disappointing that we did not hear any recognition of that effort from the SDLP. The hon. Member for Foyle will be aware of the efforts by the Apprentice Boys of Londonderry, for example, to reach out across the community.

Mark Durkan: I thank the right hon. Gentleman for giving way this time. I wanted to intervene on this point earlier, because he seemed to suggest that our approach was based on territorialism. I totally opposed Martin McGuinness when he said in response to the Garvaghy road incidents of 1996 that the Apprentice Boys should not be allowed to march on the west bank of Derry. I said that they would always have the right to march there, and that was one of the things that helped to create the dialogue that has led to the much improved situation in respect of several Apprentice Boys parades in Derry.

Mr. Donaldson: Let me be the first to acknowledge the role that the hon. Gentleman has played in promoting dialogue in his home city. However, my point is that it is not good enough to have that dialogue in one area only, as we need to promote it across Northern Ireland. Moreover, it was not the Parades Commission that brought about the success in Londonderry, but local leadership. That is precisely why the model proposed by Lord Ashdown is right: it promotes local leadership, dialogue and solutions, and that is what we want. That is the kind of mature society that we are aiming for—the political maturity that comes with the shared future that is our objective in Northern Ireland.

I want to end with a question that I hope that the Minister will be able to respond to when he winds up the debate. Representations have been made to me about the chairperson of the Parades Commission, and he will be aware that when she was appointed she made a number of claims about the qualifications that made her eligible for the position. Some doubts are now being cast on those qualifications, and questions have been asked of the Northern Ireland Office about them that I hope that the Minister will be able to answer. Are they valid? I cannot verify that to be the case, but it is my duty as a public representative to ensure that a person who chairs such an important and sensitive body, and who is involved in very sensitive work, is transparent before the public.

We need to know all the qualifications that the chairperson of the Parades Commission put on her CV when she applied for the post. Were they validated by

[Mr. Donaldson]

the Northern Ireland Office when the appointment was made? I hope that the Minister will be able to address that point in his response.

8.43 pm

Dr. William McCrea (South Antrim) (DUP): I am finding the debate interesting already, and I am sure that my colleagues are anxious to make a contribution to it. I listened to the opening remarks by the hon. Member for Orkney and Shetland (Mr. Carmichael), and I assure him that my constituents have a great interest in ensuring that the economy, the health service and many other bread-and-butter issues are attended to with vigour. Those matters are devolved to the devolved Administration in Northern Ireland. My right hon. Friend the Member for Belfast, East (Mr. Robinson), the leader of my party and First Minister of Northern Ireland, was right to say that they are constantly raised in the Executive. They will certainly be attended to on behalf of our constituents.

However, one matter relevant to the peace and stability of our beloved Province remains the responsibility of this House—the thorny issue of the right to parade without threats or intimidation, and free from republican agitation. This issue must be faced. We heard an interesting contribution from the hon. Member for South Down (Mr. McGrady) reminding us that as it was the Queen's highway, we had no right to walk it, but we had permission to walk it. I am happy to get that permission from Her Majesty. I hope the hon. Gentleman will always remember that, and always apply for permission to walk the Queen's highway. I can assure him that those whom we are speaking about, who seek the right to walk the Queen's highway, do so in honour and in support of Her Majesty.

I am glad to have the opportunity to address the House on a very sensitive yet very important issue that impacts greatly on the people of Northern Ireland. I declare an interest. I was brought up outside a little town, Stewartstown, in the heart of the Mid-Ulster constituency. I was raised in a family that was connected with the Orange Institution. My father was the master of the local lodge and I was proud to walk by his side. I declare an interest: I am a member of the Orange Institution, of the Royal Black Institution and of the Apprentice Boys of Londonderry. I am proud to have the privilege of that membership.

In all the years that I have walked as a member of those institutions and the lodges, I did so not to give offence to anyone, and we certainly did not desire offence from anyone, either. Sadly, as my right hon. Friend the Member for Belfast, East pointed out, Gerry Adams was recorded as having admitted that for years, before the situation happened at Drumcree or in Pomeroy or in other parts of the Province, Sinn Fein and the republican movement had been stirring up an anti-loyalist parade fervour, not because the community dissented from parades—many nationalists throughout Northern Ireland have been happy to watch the parades.

I was disappointed that the hon. Member for South Down had missed so much of his life by not coming out and watching a parade. He did not need to come to Belfast. If permission was given to walk the highway in Downpatrick, he could see a colourful parade there. That would do his heart good.

Mr. McGrady: In my comments to the House, I said that the Orange parade takes place every 12 July—13 July this year—in Downpatrick, and I do see it.

Dr. McCrea: I am happy that the hon. Gentleman has acknowledged that. When I was listening earlier, I confess that I thought that in his years of public life, he had missed the happy occasion of watching the parades in the South Down area.

As I was pointing out, the local community did not dissent from the parades. But blatant sectarianism stirred up by a group of people in Northern Ireland. Gerry Adams admitted that he and his grouping were at the heart of that. That is what brought the anti-parades sentiment to a head. It is clear that right from the beginning, the campaign was engineered and moved from an isolated incident to different areas of the Province, thereby unnecessarily dividing and unsettling the community.

Sinn Fein created a monster that they do not have the power to contain, although they do not acknowledge that. They were happy to stir up the anti-parade fervour whenever it suited them, but my hon. Friend the Member for Upper Bann (David Simpson) knows that they now seem to be saying that they do not have the power to stop the agitation. They created the monster that is in our society, but now they are not able to capture and quieten it.

Since that time, republican opposition to loyal order parades has been a running sore. It must be settled. The issue is fundamental to freedom and must be addressed and resolved. Over the years the Democratic Unionist party has campaigned for confidence-building measures among the Unionist community to face the onslaught of more than 30 years of IRA terrorism.

One of those issues is the issue on the Order Paper tonight. Solving the problems that have been associated with parades is a fundamental prerequisite to political progress and stability in Northern Ireland. Sad to say that over the years, successive Governments have yielded to the threats of those who have opposed our parades. It was easier for them to give in, rather than to stand up and give the law-abiding people of Northern Ireland their rights to parade Her Majesty's highway.

Let us think about the situation in Drumcree. We have a traditional parade. I listened carefully to what the hon. Member for Foyle (Mark Durkan) said, because he tried to say that we were bringing parades into areas where they were not welcome, but such parades were traditional and were welcomed for many, many years, going back 20, 30, 40, 50 or even more years. However, because of deliberate agitation, the traditional parade was taken from the Orange brethren and sisters and regarded as a contentious parade. It is sad to say that instead of dealing with the situation, the Parades Commission as a body—I know many individual members of the commission, and many of their efforts in this regard have been well-meaning—took the easy option whenever the objectors to a parade were showing muscle, as it were.

In Maghera, a neighbourhood near where I lived, the Orangemen re-routed their parade to keep the procession away from any disorder from the objectors. What did we find? The commission yielded to the threats and intimidation. That is a totally unacceptable position. It is now a reality that the commission is not part of the solution, it is part of the problem.

I want to allow my hon. Friends to take part in this debate. However, I must first make it abundantly clear to the Government tonight that although they, and the Prime Minister, have put a lot of effort into policing and justice issues, and although I acknowledge the Prime Minister's effort, time and energy on the financial side—we will make a determination on that, as I am sure others will—parading is not a stand-alone issue. The issues of building community confidence will not go away. Parading is one of the issues that must be addressed and attended to. It is a case of acknowledging not only that there is a problem, but that there must be a resolution of the problem, so that when Orange brethren walk the streets of Northern Ireland, they do so without threats and intimidation.

It was very sad that recently in Rasharkin, we saw, standing among those who are supposed to be dissident republicans, the very members of Sinn Fein. They were standing in the crowd whenever there was violent opposition to the Orangemen walking in the town of Rasharkin. There has to be acknowledgment that the Orangemen and Orangewomen are a part of Northern Ireland's community. They have a proud tradition and also a proud culture. That must be recognised. Some people seek, by threats and intimidation, to remove what is termed the "Orange feet" from the road, but the Government must realise, as the other parties must, that the Orangemen and Orangewomen are not leaving the Province. We are here to stay. Parading is a vital part of our Province.

A village neighbouring mine is more than 95 per cent. Unionist, yet there is a Hibernian parade. There is absolutely no problem with that parade, because if people do not go out to see it, they have the freedom of having their tea in their kitchen or they can sit in comfort with their own family, but they are not bothering anyone. Why can the rest of our community not live and let live, and allow us to have a peaceful and stable society, where we can bring prosperity for everyone in the Province that we love?

8.54 pm

Mrs. Iris Robinson (Strangford) (DUP): Belatedly, I wish to pull up the hon. Members for Foyle (Mark Durkan) and for South Down (Mr. McGrady) for their lecturing of right hon. and hon. Members on this side of the Chamber about consultation and inclusion. Back in 1985, their party was happy to ignore 1 million Protestants and their elected representatives and push through the infamous Anglo-Irish agreement, which I believe was the beginning of our troubled history. Their leader at the time, John Hume, when asked why Unionist views were not sought, said that

"they wouldn't have accepted it."

So much for inclusion.

There are no contentious parades in the constituency I represent. While I do not wish to be contentious, it is my duty to put on record how we arrived at the difficult scenario that throws up scenes of agitation and violence at parades that, until the outbreak of our troubles, passed off peacefully and were attended by both Protestants and Catholics. My colleagues and I want to see a day when Catholics and Protestants can celebrate the great pageant of 12 July together. That was the case when I was a young girl growing up in Belfast, and I hope that those days will return.

Parading is one of the most popular and common forms of cultural celebration around the world, from Bastille day in France to the 4 July parades in the US. It brings millions of people across the globe out on to the streets to take part in something that provides enjoyment and colour in many lives.

Parades have been made a contentious issue by republicans in Northern Ireland since the early 1980s—including the right of process in Portadown. It has also long been the policy of Sinn Fein to turn the ordinary people of Northern Ireland against parades, by making them appear to be more of a hindrance than a form of celebration.

The Orangemen are the real victims in all this. It is the residents of the Garvaghy road and the Ormeau road who sought, through a sectarian campaign, to make the order look bad by playing the victim themselves. The residents do not like to talk about their blinkered and sectarian motives.

In the early to mid-1990s, Sinn Fein, through so-called residents' groups, actively campaigned to disrupt and stop Orangemen walking their traditional routes. Parades that traditionally took place in Drumcree, Portadown, County Armagh and the Ormeau road in south Belfast immediately come to mind. Orangemen in Drumcree had walked their route for at least 150 years, largely without trouble, until republicans focused on parades. My right hon. Friend the Member for Belfast, East (Mr. Robinson) has obviously been researching the same material as I have, but it is worth reiterating what Gerry Adams said on the issue:

"Ask any activist in the north, did Drumcree happen by accident, and they will tell you 'no'. Three years of work on the Lower Ormeau Road, Portadown, and parts of Fermanagh and Newry, Armagh and in Bellaghy, and up in Derry."—

Londonderry—

"Three years of work went into creating that situation and fair play to those people who put the work in. They are the type of scene changes that we have to focus on and develop and exploit."

I did not hear the hon. Members for Foyle and for South Down put down that sort of mentality. Instead, they berated us at every turn—*[Interruption.]* If they did, I did not hear it and I apologise—

Mark Durkan: I made direct reference to what the right hon. Member for Belfast, East (Mr. Robinson) said. I took no issue with it and I pointed out the danger that it could be repeated under the new regime that is being discussed. Many of the people involved with the dissidents are of the old school that was involved in precisely the activities that the hon. Lady has just mentioned.

Mrs. Robinson: I thank the hon. Gentleman for his clarification, but I honestly did not hear that. He went on quite some time.

What Mr. Adams demonstrates here is his party's blatant disregard for traditional parading and his use of it for political gain. This is a tactic employed by Sinn Fein in order to heighten sectarian tensions after the ceasefires, and to turn the spotlight on Unionists in order to make us as a people look sectarian and bigoted. It is its aim to label loyalists and Unionists as sectarian.

Nationalists and republicans have sought to organise protests labelled as peaceful. This year, we saw violent behaviour on the Springfield road in the middle of the annual Whiterock parade. Orangemen waited up to one

[Mrs. Iris Robinson]

hour to gain access through the Workman's gate, which separates the Springfield road from the Shankill. When the Orangemen walked through they were pelted with missiles and verbal abuse. Many of those waiting at the other side of the gate were not from the area and had been transported in to allow the media to get some good photographs, knowing that those images would be sent around the world for all to see.

We see sectarian tensions being stirred up in many areas of County Antrim, namely Dunloy and Rasharkin. Members of the loyal orders as well as band members who live locally have been subject to abuse on and off parade as well as having their homes attacked. That has been orchestrated by Sinn Fein, once again seeking to stir and create angry confrontations in the north Antrim area of Rasharkin. Protestants are being chased from small predominantly Catholic towns that were previously evenly mixed in north Antrim. Only a few weeks ago a man had his house attacked for the second time this year. He is now going to leave his home. Such people need help from the Northern Ireland Office, and they need protection.

Parading in Northern Ireland is viewed by Sinn Fein as a product of British imperialism. It has been jumped upon by Sinn Fein, which argues that Unionists have no culture and no identity. It sees it as something that it can manipulate and undermine for its benefit. In the early 1990s, Gerry Adams, a self-proclaimed author, argued that Ireland would not be free until all elements of Britishness were removed from the state of Northern Ireland. That included Orange parades. When one reads the stories of Drumcree, one comes to understand what republicans sought to do. In many ways they were successful. However, it highlights the strength and power of republicanism and how they sought to undermine the rights of those men wanting to parade. It demonstrates the fascist nature of Sinn Fein.

We now have Sinn Fein blocking Orangemen from parading through the Parades Commission, and waving the word "dialogue" in front of the commission. This summer we had the self-proclaimed peacemaker, Gerry Adams, offer to have talks with the Orange Order. This image of Gerry Adams today contradicts the real picture of him over 10 years ago.

On 14 July this year, Martin McGuinness said:

> "If the Orange Order are serious about wanting nationalist and republican political leaders to respect them, then they need to respect our community and respect the wishes of the vast majority of people to live in peace free from sectarian harassment. To date the leadership of the Orange Order have refused to meet with Sinn Fein, the party most nationalists actually vote for. What message does that send out about respecting the nationalist community? The Orange Order need to sit down face to face with Sinn Fein and I once again today extend that invitation."

This statement stinks of hypocrisy. Sinn Fein is seeking to play the honest broker here, despite planting the seeds of conflict over parades.

The Parades Commission, established in 1998, sought to regulate parades in Northern Ireland, and it is felt by many in the Unionist community that the Parades Commission, as an unelected organisation, simply seeks to discriminate against it as a community. Through its unelected representatives, put there by the Secretary of State for Northern Ireland, it seeks to act for the Northern Ireland Office. Its set up is simply seen as creating bureaucracy and setting hurdles for bands and lodges to jump through. As a body appointed and set up by the Government it is not representative of the community, nor is it publicly accountable. It needs to go. That is something that my party has long campaigned for.

I do not wish to go into history in much detail, but I have to say this. Many people in this very House would not be standing here if it were not for the efforts of King William of Orange who defeated King James at the Boyne. We owe a great debt of gratitude to the revolution of 1688. I accept that times have changed, but we must not forget our history.

Orangemen have a right to parade. That right is on the same level as the freedoms of speech and protest. These rights are being undermined by our Government, who have bought into the Sinn Fein idea that the Orange Order is part of the problem, just as they did with the Royal Ulster Constabulary and the Ulster Defence Regiment. As a Government who talk about community inclusion and cohesion and about building a multicultural society, it is obvious that they seek to exclude Northern Ireland Orangemen from that policy.

I am calling on our Government to understand Unionist history, identity and culture—much of which is shared with the rest of this United Kingdom. Our Government have sought to erase our identity by the removal of all things British, from symbols to flags to the dilution of the English language through the promotion of Irish. The people of Ulster are some of the most loyal subjects of this kingdom, yet our Government continue to dance to the republican record. I urge the Government to listen to the views of right hon. and hon. Members from my party and seek consensus on a way of dealing with this issue once and for all.

9.6 pm

Mr. Gregory Campbell (East Londonderry) (DUP): Parading is very important to many people in Northern Ireland; it is a fundamental aspect of cultural commemoration. In fact, as has been mentioned by a number of hon. Members, there are several thousand parades in Northern Ireland. Many are uniformed youth organisation parades, church parades and mayors' parades that are totally innocuous and that are not referred to the Parades Commission or anyone else, because they proceed without let or hindrance on a regular basis.

A small number of parades that have been mentioned this evening and on many occasions in recent years have been subject to problems as a result of an orchestrated campaign against them. For a moment or two, I want to discuss an issue that was mentioned by my hon. Friend the Member for South Antrim (Dr. McCrea) and that is oftentimes not referred to. There are parades in Northern Ireland, such as the one that I am sure that my hon. Friend the Member for Upper Bann (David Simpson) will refer to shortly, which goes close to the Garvaghy road and the nationalist area there, and the parade in Rasharkin in County Antrim, a village where there is a Catholic majority. However, parades in other parts of Northern Ireland are nationalist in nature and they go through predominantly Unionist towns and villages. That, for some reason, receives very little attention or media interest. The reason for that is that they are not controversial, because no one in those villages or towns decides to orchestrate planned opposition to those parades.

I refer to parades such as those that take place in Desertmartin, in Kilkeel in south Down and in Limavady in my constituency each St. Patrick's day. Those towns are predominantly Unionist or predominantly Protestant; the parades are nationalist or Catholic parades. The host community, as they are sometimes called by those who object to Orange parades, does not object to those parades taking place. They are therefore not referred to the Parades Commission, there is no controversy and no dispute and they proceed unhindered. The problem, of course, is that in the other areas, such as Portadown and Rasharkin, there is not the same reaction. Communities in those areas decide that they will orchestrate opposition and objection and we therefore have some of the problems that have been mentioned.

On a number of occasions in recent weeks, it has been said that the entire issue of policing and justice is part of the completion process in our devolutionary journey. Members have also said that, without the issue of parading being resolved, the devolution of those powers would be a hollow achievement that might, in fact, backfire badly. I concur with that opinion, because, otherwise, we could have the annual prospect—this July, next July and the July after that—of an unresolved problem that is kept at the forefront of people's minds. There has been agitation by dissidents, and I accept the Government's view on that agitation; however, on several occasions there has also been agitation by Sinn Fein representatives.

For example, in Rasharkin, the local Assembly Member was, unfortunately, identified as being part of a crowd in vocal and subsequently violent opposition to the loyal order parade that was taking place. That is more than deeply regrettable; it is something that must be resolved. That political party, Sinn Fein, needs to do much more in ensuring that its MLAs and other public representatives not only do less to provoke tension, but do more to try to ensure that there is less opposition to parades. We need to move forward, beyond the Parades Commission, and I know that the Minister in his early submission indicated that, whatever the commission's relevance 11 years ago, times have moved on. They have, and I hope that we can get the Ashdown review out in the open and hear comments that are based on the facts, as opposed to people's fears or concerns about what it might propose.

I shall close by mentioning further moves that Sinn Fein needs to make to try to defuse tensions and local problems in local areas. For example, in my constituency just last week, the local Sinn Fein Assembly Member, Mr. Francie Brolly, who is aged 71, announced that he intends to stand down from the Assembly within the next few weeks. At the close of any career, be it in politics or other parts of the republican movement, a person who steps to one side can do much to defuse tensions in relation to parades and other matters that need to be resolved, such as the Claudy bomb in 1972. If the hon. Member who represents Sinn Fein in that House had some revelations or disclosures to make about any part that he may have played, along with the late "Father" James Chesney, many people would I am sure welcome that closure. We all need to work towards further progress on parades in order to bring closure to an aspect of our past and to allow people to parade in peace and security.

9.13 pm

David Simpson (Upper Bann) (DUP): In supporting this very important motion, I declare an interest: my membership of the Orange Institution, the Royal Black Institution and the Apprentice Boys of Londonderry. My family have been associated with those organisations for well over 100 years, and I am very proud of that fact.

Dr. McCrea: You're not that old.

David Simpson: I'm not that old, no.

I am aware that the significance and centrality of parading in Northern Ireland is not always fully appreciated or understood on the mainland, but, whatever view one holds of Ulster's parading tradition, the motion raises some fundamental points of principle that go to the heart of democracy. Famously, it has been said, "I do not agree with what you have to say, but I'll defend to the death your right to say it."

I am not asking everyone to share the importance attached to parading by many people in Ulster, including myself, but surely the default position must always be to defend the basic right to assemble and to process freely. The right of free assembly and procession is a human right long fought for and hard won. A nation such as this, at a time such as this, when we remember the sacrifice of those, numbered in their millions, who fell in defence of basic freedoms, should above all others defend and cherish those basic rights and freedoms.

Indeed, I will go further. If this freedom is to be denied, those who would deny it must present a cast-iron court case for that denial—but that has not happened in Northern Ireland. The right to assemble and process on the streets of Ulster has been challenged by so-called residents groups, which were spawned largely by Sinn Fein. That was not done out of a sense of offence, but purely for political reasons and political advantage. That has even been claimed by Gerry Adams. My right hon. Friend the Member for Belfast, East (Mr. Robinson) outlined the programme shown in prime time on RTE in 1997, a brief part of which says:

"Three years of work went into creating that situation and fair play to those people who put the work in. They are the type of scene changes that we have to focus on and develop and—

the key word—

"exploit."

So disputes around parades are not about offence or triumphalism; they are not about the intimidation of residents. They are a cynical manoeuvre by Sinn Fein to increase their political support. The history of these disputes has proved that to be the case. Sinn Fein have been fully prepared to use the parading issue as a tool in their overall strategy. When it suits them, they defuse tension and reduce open opposition to loyal order marches. On the other hand, when it suits them, they can ratchet up tension.

Let me ask the House this: how does that help to build public confidence? Would not a permanent end to the republican culture war against the loyal orders greatly help the creation of that confidence? Gerry Adams said recently that there will be a place for the loyal orders in a united Ireland—how gracious of him. Yet he is the very same person who has opposed their legitimate place in Northern Ireland right up to this present day. Sadly, the law enforcement authorities have

[David Simpson]

been tainted with the same sort of attitude. The concerns of politically motivated residents groups are treated on a par with those of the loyal orders. As a result, the right of British citizens to assemble and parade is denied, often on very spurious grounds.

In my own constituency we have one of the most infamous examples of that. Portadown Orangemen seeking to return from their annual service at Drumcree parish church have been unable to do so for well over a decade, despite that parade's having taken place for well over 150 years. The Northern Ireland Parades Commission repeatedly calls for local agreement to be reached in such situations. The Ashdown review of parading also places great emphasis on dialogue and mediation. The local Orange district has agreed to enter into dialogue without any preconditions. One person continues to prevent that from taking place: Mr. Brendan McKenna of the local residents group.

Brendan McKenna is the one person who refuses to talk—and from his perspective, why should he? He has absolutely no incentive to do so. All that he has to do is sit with his arms folded as the Parades Commission does his work for him. Every year—no, I will go further—every week he knows that it will ban the parade. Mr. McKenna, the enemy of civil and religious liberty, is rewarded for refusing to talk. Meanwhile, those who are willing to talk are continually penalised. That utter and craven failure on the part of the Parades Commission is evidence of why it has failed, why it is part of the problem rather than of the solution, and why it must be got rid of. It is a disgrace that individuals such as the Brendan McKennas of this world can hold the entire community to ransom, and that he is facilitated in his bigotry by the Parades Commission.

I cite Drumcree because I am very familiar with it, but I can cite other examples in my constituency. For example, there is the ongoing attempt by republicans to do in Lurgan what they have done in Drumcree. They are attempting to turn parts of the town centre into no-go areas, and they have attempted to deny the loyal orders use of the public transport there as they travel to other parts of the Province for larger parades.

Similar scenarios can be found in different parts of Northern Ireland. On a slightly different but related matter, I can cite the situation in the town of Banbridge, again in my constituency, where republicans are up to their necks in a campaign aimed at sectarianising the town over the issues of flags and some parades. They are trying to create community tensions where none had previously existed. Is that a recipe for public confidence?

There are other problems in other parts of Northern Ireland. I think of the ongoing campaign of sectarian intimidation in places such as Rasharkin, where the Protestant community has been subjected to an unrelenting campaign of abuse, intimidation and violence, all with the sole aim of driving it out of the village. One tactic has been to oppose parades in the village, and who is intimately involved in each protest? It is the local Sinn Fein Member of the Legislative Assembly. Who has people involved at the heart of local residents groups? That is right—once again, it is Sinn Fein. Does the Minister believe that that is a recipe for building public confidence?

Moving forward, everyone has a part to play. As I indicated at the start of my speech, as an Orangeman I know that the loyal orders will not be found wanting. They responded positively to Lord Ashdown's review. The Orange Order has stated that it remains committed to playing a full part in creating a Northern Ireland that is a peaceful, stable and fair society founded on mutual respect and trust. The loyal orders have also been at the forefront of initiatives designed to develop the community and tourist potential of parades, particularly around 12 July. On that matter I commend my Democratic Unionist party colleagues, the Tourism Minister, Arlene Foster and the Culture Minister, Nelson McCausland for their practical help and support. *[Interruption.]* And their predecessors.

All of us must do what we can to address and resolve the parading issue, and if it is to be resolved, the sentiments contained in the motion would be a good place to start. I support the motion; would that all hon. Members did the same.

9.24 pm

Sammy Wilson (East Antrim) (DUP): Unlike many of my colleagues who have spoken this evening, I am not one of Northern [illegible]erial paraders, but I do believe that the issue is [illegible]rtant. I accept the point made by the hon. Member for Orkney and Shetland (Mr. Carmichael), who initially took the view that perhaps there were more important matters to discuss, but as my right hon. Friend the Member for Belfast, East (Mr. Robinson) said, we have on other occasions sought to raise other issues, such as the economy. Of course, however, many of those issues are now dealt with by the devolved Administration, so that is where the debate on them takes place.

The debate concerns an issue that, for a number of reasons, is important. The first is that the treatment of one section—a decent section—of Ulster society by the Parades Commission has caused deep hurt. I think of the fears and hurt of those people, many of whom are constituents of mine. As I said, I am not a member of an Orange lodge, the Apprentice Boys of Derry, the Royal Black Institution or any such order. However, many of the people involved are good, solid, law-abiding citizens who believe that the actions and intervention of the commission in the activities in which they wish to engage regularly—for example, marching to display their culture, history and religious beliefs—almost sullies those honourable activities.

The subject is important for a second reason that has been pointed out by a number of hon. Members already. We are moving towards the completion of devolution in Northern Ireland, and a lot of hard work has gone into it. I believe that it is a desirable goal and we should pursue it vigorously. However, if we are to complete the devolution of policing and justice, we cannot do it in isolation from ending the contention surrounding the parades issue. If anything will destabilise policing and justice, it is the fact that we remain without the machinery to resolve the contentious parades in Northern Ireland. As others have pointed out, the Parades Commission has not been the vehicle for doing that, despite some of the points made by the hon. Members for Foyle (Mark Durkan) and for South Down (Mr. McGrady). I want to address their points in a moment or two. However, for those two reasons, it is important that the issue is addressed.

The anger against the Parades Commission has been generated for a number of reasons. First, every parade or public demonstration—indeed, every public activity on the streets of Northern Ireland—must first be referred to the commission. I get people coming to me in my constituency who want to arrange motorbike ride-outs and classic car rallies, as well as civic parades and sometimes church parades for uniformed organisations. All of them have to be referred to the commission. The point that many of them make to me is that there is nothing contentious about their activities—in fact, many of them are cross-community activities. Yet they have to pass through the filter of the Parades Commission and be applied for. Many of the Orange parades and those of other institutions are not contentious either, but they have to be filtered through the commission as well. The implication is always that there is something contentious about the parades. People resent that.

Secondly, as my right hon. Friend the Member for Lagan Valley (Mr. Donaldson) pointed out, the Parades Commission is an arbitrator, but does not seek to facilitate or mediate in these contentious situations. Sometimes, arbitration itself can do damage. People have come into my office complaining about the prescriptive conditions laid down by the commission. A pedantic jobsworth in the Police Service of Northern Ireland might apply those prescriptive conditions if, for example, a parade has not started at 7 o'clock on the dot, even though it might be waiting for a busload of people to arrive.

Sometimes that busload of people will be held up as a result of police activity. If the parade waits two or three minutes for them to arrive, the police will want to take action and refer the parade back to the Parades Commission because of a breach of the conditions. Had the jobsworth thought it through, he would have realised that it would be far better to have everybody included in the parade, rather than having some stragglers arriving after it starts. That is one of the problems, and I could give lots of other examples. Being that prescriptive sometimes causes problems that are not necessary and that, had the parade not been referred to the Parades Commission in the first place, would not have arisen.

The third reason is the bias that is seen in the Parades Commission, whether in its make-up—there is a long history of objections to what is seen as its biased make-up—or, even more so, in the decisions that it makes. In many instances, especially where there are contentious parades, those decisions seem to be made on the basis of who presents the biggest threat. The more that a group is prepared to lean on people or—this is the worst of it—the more that it has a history of being able not only to make the threat but to deliver it, the more weight the Parades Commission seems to give to its arguments.

The suggestion has been made that taking away the Parades Commission would put the police in the front line. However, on many occasions people have come to me and said, "Look, we believe we made a good case to the Parades Commission. We don't know how they reached their decision at the end of the day, but we ticked all the boxes that they asked us to tick. However, the police came in afterwards and, on the basis of what they said, the attitude of the Parades Commission changed." Whether the hon. Members for Foyle and for South Down like it or not, the police already have an input. They are already in the front line and are part of the decision-making process with the Parades Commission anyhow.

I believe that in many instances the police make the judgment as to who presents the biggest threat. As most of those who are involved in the loyal orders are ordinary, decent, hard-working, law-abiding, solid citizens, the judgment is that they are not the ones who will cause the trouble. Rather, the judgment is that those who, through protest, have a record of causing street disorder are the ones to whom we must pay most attention. Therefore, the bias is towards them.

The hon. Member for Foyle talked about what would happen if we disturbed the Parades Commission. Despite the fact that the SDLP claims to be a radical organisation, there is no group of people who want to maintain the status quo and the establishment more, regardless of how badly it is seen to work, how inadequate it is or how much times have changed. The SDLP will always want to defend the status quo, and as the Parades Commission came about not as a result of the Patten commission, but nevertheless because of nationalist demands, it must stay, even if it does not work, even if there is a better way and even if there are still things that it has been unable to resolve.

A number of arguments have been put forward. The first is that we should look at how many parades take place without any violence or confrontation, as if that were down to the Parades Commission. In many cases the Parades Commission simply has no input. It receives the applications and rubber-stamps them, but it does not do anything else. That parades take place without violence is down to the good sense and good community relations that exist in a place, so let us not attribute successes to the Parades Commission for which it is not responsible.

Mark Durkan: Does the hon. Gentleman acknowledge that there were far more contentious parades before we had the Parades Commission? During the life of the commission, those issues have progressively been reduced to the number that his colleagues have talked about.

Sammy Wilson: The hon. Gentleman is right, but his assumption is that, somehow or other, that was to do with the existence of the Parades Commission. Just because we see something happening, and we see a change taking place, it does not necessarily tell us the cause of that change. Indeed, many of the changes have happened as a result of the work of people in their local areas, outside the work of the Parades Commission. That is the whole point of the Ashdown proposals, as I understand them. We want to see more of that work, yet the Parades Commission appears to be acting as a block to it, or ignoring it and rewarding intransigence. People are therefore arguing that the commission should be done away with.

A further argument in defence of the Parades Commission is that, if we replaced it with something else, those who wished to cause disruption would test the new arrangements. The truth is that anyone who wishes to contest parades can do that through the Parades Commission, and a new body will not necessarily lead to more people saying, "Let's test the new body." Indeed, they would know, given the weakness of the Parades Commission's record and the conditions that it attaches to its decisions, that that is the body that really needs testing.

Mark Durkan: Where is the evidence?

Sammy Wilson: The hon. Gentleman asks that, yet he is asking us to believe that something that is not yet in existence will produce the effect that he has described. He asks me for evidence: there is a body on the ground through which, in the past, people have tried to use the rules that it has made to try to stop parades. We know that that has happened. He is speculating about a body that is not even in place.

Mark Durkan: Like me, the hon. Member will have listened to many of his colleagues saying that Sinn Fein is the problem. They have outlined Sinn Fein's agenda and motives, which they say are still current in relation to this issue, but none of them has said how the Ashdown proposals will get around the problem—if that is the problem.

Sammy Wilson: I am going to conclude now, but let me reiterate that, in most cases of contentious parades that have been sorted out, they have been sorted out not by someone arbitrating and saying, "You will do this, and the other people will do that", but by people sitting down and by mediation. The whole thrust of the Ashdown proposals, as I understand them, is that we should replace this arbitration, which is seen to be biased, with mediation. That is the mature way forward, and I believe that that is an important factor. I am a supporter of the devolution of policing and justice, and I have proclaimed that publicly in a number of different ways. Let me make it clear to the Minister, however, that if we are to have that devolution, we shall also require a solution to the question of parading. Otherwise, it will not work.

9.39 pm

Christopher Fraser (South-West Norfolk) (Con): I am clearly not standing here as a Northern Ireland Member of Parliament, but I serve on the Northern Ireland Affairs Committee and the Northern Ireland Grand Committee, and I am chairman of the all-party group on Northern Ireland. This issue has come up many times in debates held by those different groups when they have met in this House. I have been listening to the contributions from colleagues this evening, whether I was in the Chamber or detained elsewhere, and I would like to put to the Minister several questions that have not yet been addressed.

First, I understood that, under the original legislation, the timetable was for the recommendations of the strategic reviews to be implemented in the spring of this year. I think we all understood that to be the case. When does the Minister expect the final report to be published? Given that Ministers made estimates of the financial implications of the recommendations, based on the interim report, does he accept that those should be accounted for in the proposed financial settlement? I am not quite sure, after what he said earlier, whether that is the case.

How does the Minister expect to implement the strategic review's final recommendations? Does he expect the proposals to be incorporated into the detail of a wider criminal justice and policing handover? If devolution of criminal justice and policing is delayed, for whatever reason, will the Government consider legislating for parades separately? I am not sure that what the Minister said earlier went as far as that, so I would be most grateful if he would clarify it.

Right hon. and hon. Members have mentioned the importance of bringing investment and prosperity to Northern Ireland, which is crucial to getting these issues sorted and ensuring that Northern Ireland participates as fully as it should in the economic success of the United Kingdom. I know from talking to people in the Province that they want to play their part. It is terribly important to deal with this issue sensitively, so that people feel that their voice is being heard, and they can go about their business lawfully in the knowledge that they have the support not just of this House, but of the wider community.

Can the Minister assure the House that devolution of criminal justice and policing will not be rushed through—before a general election, for example—at the expense of getting things right? If we get it wrong, we shall get it wrong for a very long time, so we need to think very seriously about these issues.

Lord Ashdown's interim recommendations were discussed earlier. He advocated a strong role for local councils, but does the Minister accept that councils are too partisan on occasions, and that there are valid concerns that their role could undermine mediation? Does he agree that safeguards to account for the political allegiances of councils need to be considered and dealt with in this respect?

It is likely that 11 super-councils will be created by 2011, and will have a key role in dealing with parade mediation. Is the Minister confident that the transition will be smooth? Parades have historically brought to the fore the political and social tensions that still exist, as we know, as an undercurrent in Northern Ireland. Does he agree that it is crucial for peaceful parading not to be undermined by potential teething problems resulting from local government reform?

Finally, the strategic review's interim report did not include recommendations relating to the Drumcree and Ormeau road parades. Is the Minister concerned that at the interim stage of the strategic review, agreement was not reached on the two parades that are perhaps in greatest need of guidance?

9.43 pm

Mr. Nigel Dodds (Belfast, North) (DUP): It is a pleasure to follow the hon. Member for South-West Norfolk (Christopher Fraser), who does a splendid job as chairman of the all-party Northern Ireland group, and who is also a member of the Northern Ireland Select Committee. I thank him for his interest in Northern Ireland. He was absolutely right to say that with policing and justice devolution, the crucial thing is to get it right—something that my right hon. Friend the Member for Belfast, East (Mr. Robinson) has said on a number of occasions. That must be the principle that guides us all in this context. As has been said, if we get this wrong, generations thereafter will bear the cost.

We have had an extremely good debate. As a number of speakers have said, it has been a measured debate, and I think that we have explored the issues thoroughly in the short time available. I want to commend my right hon. Friend the Member for Belfast, East, the leader of our party, for the way in which he introduced the debate. He set out clearly the importance of this issue to the people of Northern Ireland—the people whom we represent—and, indeed, to the whole future of the stability of political institutions in Northern Ireland.

Some Members, notably the hon. Member for Orkney and Shetland (Mr. Carmichael), commented on the choice of topic. I commend him for voicing his concerns on this matter. He eventually acknowledged that we had been sincere in tabling the motion, because we wanted to tackle a running sore in politics and in the community in Northern Ireland. It is true that if we are to tackle the great issues involved in putting Northern Ireland on a more prosperous and better footing for everyone's benefit, we must deal with the important matters that we are debating tonight, and it is appropriate that we are discussing them at the present juncture. Far too often we embark on contentious issues involving parading much too late in the calendar cycle, when controversy is at its height. Now the parading season is past, but we still have some time ahead of us, and I believe that we should use it constructively to air the issues and ensure that progress is made.

All too frequently the criticism from those in the loyal orders, and those who engage and seek to promote engagement, has been that when they spend their time trying to make progress and enter into debate and dialogue, no agreement is reached. Then the Parades Commission steps in, and does not recognise the efforts that have been made throughout the winter and spring months. All that is ignored and set aside, and the same or worse determinations are made each year, which only exacerbates the problem rather than leading to any kind of solution. It acts as a disincentive, and demoralises those who want to engage in debate and dialogue.

A number of Members have mentioned the importance of this issue in the context of the stability of Northern Ireland. The hon. Member for South Down (Mr. McGrady) observed that, in terms of parades, this had been the quietest year for a long time. I remind him that in the aftermath of this year's parade past the Ardoyne shops in my constituency, guns and blast bombs were used on the streets of Belfast. I would not necessarily describe it as one of the quietest years on record.

We must ensure that all elements of that kind are dealt with. People still want to cause disturbance and violence on our streets, and we must put an end to that. It is important for us, as parties in Northern Ireland, to demonstrate that we will not allow it to continue. We must make clear that we will not tolerate circumstances in which every year, before, on and after 12 July, we must stand on the streets of Belfast and elsewhere trying to calm people down and trying to work with others to restrain them from becoming involved in violence or anything like it. We must ensure that progress can be made.

Many Members recalled the history of this whole dispute. My right hon. Friend the Member for Belfast, East, my hon. Friend the Member for Strangford (Mrs. Robinson), my hon. Friend the Member for Upper Bann (David Simpson) and others referred to the significant role played by Sinn Fein in the fomenting of the trouble, and referred particularly to the statements made by Sinn Fein's leader Gerry Adams. There is no doubt about the significant role that Sinn Fein have played in the circumstances with which we are now having to grapple, but as others have said, it is important to highlight the tourism potential in Orange and loyal order parades.

As a member of the Loyal Orange Institution as well as the Apprentice Boys of Derry, I am proud to say that the number of people who watch our parades is significantly on the increase. An independent survey conducted this year found that 62 per cent. of those who were in Belfast city centre on 13 July had never been at a parade before, and 98 per cent. said they would be back next year. Furthermore, the bed occupancy rate in Belfast hotels was 80 per cent., and some 200,000 to 250,000 people watched the event. The significance of all this is that while it is true that many people throughout the kingdom might ask about the relevance or vital importance of parading, in Northern Ireland—and, indeed, in some other parts of the United Kingdom, although less so—this issue goes to the heart of the community.

It certainly goes to the heart of the community that DUP Members represent. It is part of our culture and identity, and those—Gerry Adams, Sinn Fein and others—who decided to seek political advantage from the issue, and to disrupt the parades through violence and intimidation, knew exactly what they were doing. They knew that in doing that they would strike at the very heart of what makes a lot of Unionists and Protestant people in Northern Ireland tick. We have to find a way through these problems and difficulties, and ensure that those who want to foment trouble and disorder do not succeed.

It is right to put on record, as many already have, a tribute to those in local communities who have dedicated many hours—often at great personal expense, as they might have sacrificed time with their families, or time to look after their own interests—to their own community by stewarding parades and helping voluntarily to ensure that there was a peaceful outcome. They deserve to be commended throughout communities in Northern Ireland, as do those who go on parade and who, despite severe provocation on many occasions—despite being spat upon, having stones fired at them, and suffering verbal abuse and physical violence—have 100 per cent. of the time, certainly in recent years, been absolutely peaceful and dedicated to behaving in an entirely civil, peaceful and democratic way.

I was alarmed by the remarks of the hon. Member for Foyle (Mark Durkan) when he sought to redefine what a peaceful parade was. He argued that a parade might not be peaceful if it were contended, or if there was controversy surrounding it as a result of opposition from others. I totally reject that. The fact of the matter is that those who go on the parades in Northern Ireland do so entirely peacefully, and I wholly endorse the comments of my hon. Friend the Member for East Antrim (Sammy Wilson) about the ordinary decency of the people who are involved in the loyal orders, and who come out on parade and do not want to get involved in violence in any shape or form.

A lot of our debate has necessarily centred on the Parades Commission and the strategic review of parading. The hon. Members for Foyle and for South Down put up a defence of the Parades Commission. I have to say that I do not agree with the Minister's praise for the work of the Parades Commission. I agree with my party colleagues who have talked about the problems that the commission has caused by the way it has gone about its work, without acknowledging the progress that has been made where there has been engagement, and by setting its face against recognising and rewarding those who have engaged in good faith in trying to move things

[Mr. Nigel Dodds]

forward, and by instead rewarding those who have sat on their hands and done nothing except refuse to make progress.

Speaking on behalf of the Opposition, the hon. Member for Tewkesbury (Mr. Robertson) talked about the good deeds and good work that the Parades Commission had done, and said that although it does not enjoy complete support, it does enjoy some support. He is right to say that it enjoys some support, but it enjoys very little support in the Unionist community, as I hope he will know and acknowledge. That is why I was more encouraged by what the Minister said when he intervened in the debate and talked about the need for consensus, because that goes to the heart of things.

The commission deals with one of the most contentious issues in Northern Ireland, and it is roundly lacking in support right across the Unionist community. It might have some support from elsewhere, as we have heard from those on the Social Democratic and Labour party Benches and others in the nationalist community, but I dare say that if an opinion poll were conducted in the Unionist community—this has been reflected by the speeches made tonight—hardly any support would be found for the commission. It is clear that the argument has been won, and despite the last-gasp efforts of the SDLP to fly the flag for the Parades Commission, everybody recognises that its day is done, that it will have to be replaced, and that it will be replaced in due course.

There was a great deal of misunderstanding—I do not know whether it was due to a lack of information or whether it was deliberate—in what the hon. Member for South Down and others said about the role of the councils in the new dispensation under the Ashdown review; they displayed a lack of knowledge about the way in which the councils are involved in this matter. It is important that we recognise that far too often the Parades Commission has responded to threats, as has been said by my hon. Friend the Member for Upper Bann (David Simpson), who knows full well the situation in his constituency; it is one of the most contentious and controversial situations. He pointed out the unwillingness of those who are protesting against the Orangemen in that area to engage in a constructive way forward.

In the couple of minutes left available to me I wish to make some more general remarks. We have framed our motion in the context of the possibility of the devolution of policing and justice powers to Northern Ireland. There has been talk of financial packages and so on, and they are vital. I commend the tremendous work that has been done, particularly by my right hon. Friend the Member for Belfast, East, the leader of my party, in achieving tremendous progress on a financial package for Northern Ireland in relation to policing and justice. I also commend the contribution made and the work put in by the Government on that subject. However, we must remember and reiterate the fact that for us, the overriding issue is confidence in the community, and this is one key aspect of ensuring that there is confidence in the community.

One cannot have confidence in the community when people who are in government, sharing power, will not share a public road. One cannot have confidence in a situation where people are saying that they want to share a future but they will not say that someone is entitled to share a public highway. Until we reach a situation where there is mutual respect and a recognition that the loyal orders have the right to parade the public highway in a peaceful and democratic way, it is pointless talking about trying to create confidence. We need to ensure that confidence exists, and this area is a vital component of it. It is essential that we get resolution on these issues, because we cannot afford to enter any more years—next year or the year after that—with them unresolved, especially if progress is to be made on policing and justice.

9.58 pm

Paul Goggins: With the leave of the House, Mr Deputy Speaker, I shall make some—necessarily brief—remarks. That this has been a good debate reflects both the importance of the issue and the controversy that it can still sometimes create as the debate ensues. I wish to respond to specific questions put by the right hon. Member for Lagan Valley (Mr. Donaldson) about the qualifications of the chair of the Parades Commission, Mrs. Rena Shepherd. He will understand that no specific qualifications were required for that post, so it was not appropriate, or indeed necessary, for checks to be carried out on qualifications as a part of the appointment process. However, I am sure that he and others will be reassured to learn that Mrs. Shepherd has confirmed to officials that her qualifications are, indeed, as stated on the record.

I have said throughout the debate that respect and dialogue are the twin foundation stones on which we must take things forward. Whatever model is used—the Parades Commission or something different—respect and dialogue are the answer, in the end, to the parades issue.

Question put and agreed to.

Resolved,

That this House recognises that the right of free assembly and peaceful procession is an intrinsic human right and an important part of the British heritage; acknowledges the cultural significance of parading in Northern Ireland and its tourist potential; regrets the attempts by a minority to interfere with the right to parade peacefully; and accepts that it is a political imperative to resolve such matters, especially in a context where it is proposed to devolve policing and justice powers to Northern Ireland.

Business without Debate

PARLIAMENTARY ELECTION RULES

Motion made, and Question put forthwith (Order, 20 October, and Standing Order No. 118(6)).

That, in accordance with rule 56 (1) of the Parliamentary Election Rules contained in Schedule 1 to the Representation of the People Act 1983, the sealed packets containing the completed corresponding number lists forwarded to the sheriff clerk at Kirkcaldy following the Glenrothes by-election on 6 November 2008 (1) shall not be destroyed by the sheriff clerk other than as provided for in the protocol agreed among the Secretary of State for Scotland, the electoral registration officer for Fife, the returning officer for the Glenrothes parliamentary constituency and the sheriff clerk for the Kirkcaldy sheriff court district and dated 16 and 19 October 2009 (Cm 7729); (2) may be delivered by that sheriff clerk to that returning officer; and (3) may be opened by that returning officer in order that a substitute marked copy of the register of electors may be made available for public inspection, all in accordance with and subject to the conditions specified in that protocol. 118(6) and Order of 20 October—*(Mark Tami.)*

Question agreed to.

Peter Bottomley (Worthing, West) (Con): On a point of order, Mr. Speaker. I did not want to interrupt the passage of this motion, which I think is an elegant solution to a problem, but I do want to draw attention to paragraph 10 of the protocol on this matter. I hope that it will be noted that if the matter were to come up in future, it would be better to allow for the Office for Democratic Institutions and Human Rights to observe election processes.

Mr. Speaker: It is questionable whether that constitutes a point of order, but it is the hon. Gentleman's view, and he has placed it firmly on the record.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

LANDFILL TAX

That the Landfill Tax (Prescribed Landfill Site Activities) Order 2009 (S.I., 2009, No. 1929), dated 21 July 2009, a copy of which was laid before this House on 23 July, be approved.—*(Mark Tami.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)).

EU'S JUSTICE AND HOME AFFAIRS PROGRAMME FOR THE NEXT FIVE YEARS (THE STOCKHOLM PROGRAMME)

That this House takes note of European Union Document No. 11060/09, which sets out the Commission's view of the next five year work programme in the field of Justice and Home Affairs; and supports the position that the Government takes on its direction.—*(Mark Tami.)*

Question agreed to.

Mr. Speaker: With the leave of the House—

Hon. Members: Object.

Christopher Fraser (South-West Norfolk) (Con): Object to what?

Mr. Speaker: Objection taken. What the hon. Member for Argyll and Bute (Mr. Reid) meant was that he did not want me to take the next three motions together. I therefore will not put them together but will take them separately, and we shall see how he or others respond.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Mark Tami.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—*(Mark Tami.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mark Tami.)*

Hon. Members: Object.

Mr. Speaker: The motion was just about moved, but the objection is taken.

Christopher Fraser (South-West Norfolk) (Con): That is illiberal! They are objecting first.

Mr. Speaker: Order. I know that the hour is late, but we have important business ahead of us.

PETITION

Princess Royal Hospital, Telford

10.1 pm

Mark Pritchard (The Wrekin) (Con): I rise on important business, to which you referred, Mr. Speaker, to present a petition on behalf of my constituents, the residents of the borough of Telford and The Wrekin and of east Shropshire, and others. The petition declares that my constituents have very serious concerns about the plans of the Shrewsbury and Telford hospital NHS trust, and indeed of Health Ministers, to cut local health services from the Princess Royal hospital in my constituency. My constituents believe that the plans do not take local clinical and medical needs fully into account, and they are particularly concerned about the threat to paediatrics and accident and emergency services, irrespective of whether general surgery A and E may or may not remain in the short and medium term.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to use his powers to reverse the proposed plans.

Mr. Speaker, you and I know that petitions are presented each and every week in this place, but there are very few of this size: 16,303 people at least in my constituency are protesting. I hope that under the rules of the House the petition will be taken very seriously by the Secretary of State.

Following is the full text of the petition:

[The Petition of residents of the Borough of Telford and The Wrekin and of East Shropshire and others,

Declares that the Petitioners have serious concerns about plans for The Shrewsbury and Telford Hospital NHS Trust to cut local health services from the Princess Royal Hospital, Telford; further declares that these cuts aim to generate financial savings alone, and do not fully take into account local clinical and medical needs.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to use his powers to reverse the proposed plans.

And the Petitioners remain, etc.]

[P000425]

Fabio Alves-Nunes

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

10.3 pm

Mr. Crispin Blunt (Reigate) (Con): I am very grateful to have the opportunity tonight to raise the case of my constituent Fabio Alves-Nunes who died, avoidably, aged five. By unhappy coincidence, I also attended earlier today the funeral of my constituent, Lance Corporal James Hill of the Coldstream Guards, who was killed in Afghanistan aged 23. It is sad to reflect that the bereaved families live only about 100 yards apart.

The death of a young person is especially harrowing, and never more so than when it is avoidable. Everyone associated with it will plague themselves with the question, "What if I had acted differently?" It will be the parents who feel the loss most keenly and who will pose that question most self-critically.

Corporal Hill's parents know that their adult son chose to go into the Army, and without such decisions by young men and women our nation would be defenceless. Equally, Fabio's parents, Ricardo and Anna, know rationally that they are in no way responsible for his death. I hope that this debate will be another opportunity to reinforce that emotionally.

The key events in this sad story are as follows. On 7 February 2008, Fabio presented with the symptoms of chickenpox. The following day, Anna asked her GP practice whether he should be seen by a doctor. The surgery receptionist said no. His parents could not have been expected to know about the dangerous link between eczema and chickenpox, but a check of his record at this stage would have revealed that.

Fabio's condition deteriorated at home. He was not eating and hardly drinking; his bedding was soaked in a pinkish fluid; his clothes were being changed three or four times a day. On 13 February his parents requested a home visit by the GP. This was declined. The receptionist told them not to be alarmed, that chickenpox can look worse than it is, and to put him in cold water and administer Calpol. The next day they spoke again to a GP, who advised them to call the out-of-hours service as the practice was about to close. When they did this, they were told that the wait could be lengthy.

At this point Anna and her brother drove Fabio to East Surrey hospital. He was quickly discharged home in circumstances to which I will return, then cared for at home for another two days before his parents called an ambulance on the morning of Sunday 17 February. It took 24 hours for the hospital to realise the critical nature of his condition and transfer him to the paediatric intensive care unit at St. Evelina's in London. Doctors there were unable to save him ,and Fabio died on 1 March 2008.

To the hospital's credit, staff quickly realised that they had a disaster on their hands and set up a review. A serious untoward incident was declared by the trust on 20 February 2008 following concerns raised by the team who took over Fabio's case on the Monday morning. This led to an internal and an external investigation of Fabio's care.

The external investigation was led by Christine Gyles, Assistant Director of Governance at Darent Valley hospital, assisted by two consultant paediatricians and their senior nurse for children's services. It is an excellent and detailed piece of work, unsparing of the trust in its conclusions. It ran from May to July 2008. The report is available to the Minister and was the subject of wide media comment when it was released to the family nearly a year after it was received by the trust.

It is clear from the report that Fabio should not have been discharged when he first presented to the hospital. Doctors failed to identify the danger of the connection between chickenpox and eczema, and in one of the few points in the report that I would question, it states:

"Dr. (name redacted) was not aware of the association between eczema and chicken pox when he saw Fabio. This is understandable for his level of experience."

I am alarmed that a senior house officer in paediatrics would not have been aware of the link. It is not clear when the next examination of Fabio by the paediatric registrar took place or whether he or she was made aware of Fabio's eczema. It was this examination, unrecorded in the medical notes, that led to the decision to discharge and also not to treat Fabio with Acyclovir. This is perhaps the moment when Fabio was least well served.

The report also considers the care given to Fabio when he was brought back to East Surrey hospital by ambulance on the morning of Sunday 17 February. For this period the report identifies 39 areas of clinical concern and 15 serious points for the doctors on duty. It also records two areas of notable practice. Overall the report is excoriating about the record maintenance and the failure of nurses and junior doctors to challenge inappropriate conclusions by more senior medical staff.

The overall conclusions of the review panel bear repeating:

"Fabio was presented to ESH"—

that is, East Surrey hospital—

"on 14th February 2008. He should have been admitted and treated aggressively for his chicken pox at that point.

Fabio re-presented to ESH on 17th February 2008. Overall there was a lack of recognition on the part of the nursing and medical staff how sick Fabio was. The focus of attention was on Fabio's skin, rather than the whole picture, until the morning of 18th February."

I was struck by the comment on page 24 of the report that

"it was clear that even three months after the event, staff were clearly still traumatised, remembering every detail of the event and questioning their own abilities".

Although I am now satisfied that weaknesses in the initial internal report have been identified, they may have effected the subsequent coroner's report. The trust commissioned the external report and I am satisfied that it has taken it seriously and is implementing a comprehensive plan to address areas of concern.

However, there are wider issues that are the responsibility of the Minister and her Department. First, on page 5 of the external report, the Darent Valley team lays down a clear recommendation for the Government:

"It is clear that a recent alert (July 2007) regarding the virulence of the chickenpox virus from the regional PICU"—

that is, paediatric intensive care unit—

"and the Health Protection Agency (HPA) were not disseminated. If they were it would have provided an added safety net and alerted GPs, A&E and Paediatric staff to the risks of deaths associated with extensive chickenpox."

Secondly, I draw to the Minister's attention the recommendation that there should be a process for investigating the primary care alongside the hospital care. It was not the hospital alone that failed Fabio, but I have not seen an equivalent forensic dissection of decisions made at primary care level. The failure of the GP practice to be alert to the potential complications arising from chickenpox from conditions such as eczema is an oversight that would strike most people as unacceptable.

Thirdly, if there is one simple lesson to be drawn from Fabio's death it is that all children whose chickenpox prompts their parents to seek medical advice should be checked for eczema. I would be grateful for the Minister's reassurance that that will be re-communicated through the NHS, including to NHS Direct operators' drop-down screens.

It may be in that respect that Fabio's tragic story has already saved a life. The first substantive paragraph of the external report states:

"We believe that credit should be given to the Trust in taking the decision to invite an external opinion in order to learn from the very sad death of a 5 year old child. As such we would like to thank you for the opportunity this review has given to our paediatric team to examine practice and learn lessons which we can take back to our own services."

In September this year, after a follow-up article in the *Daily Mail*, this message was posted on *Mail Online* by a Julie Knox of Gravesend:

"My heart broke reading this story especially as it so easily could have been my daughter if it wasn't for the fantastic care she received at Darent Valley Hospital. About 3 weeks after recovering from chickenpox, my 4 year old daughters eczema became inflamed with more chickenpox like blisters. She was referred to the childrens ward by my doctor and they admitted her for 4 days where she received"

intravenous

"antibiotics and anti-viral drugs. A week or so after coming home, she had another flare up but because my doctor was aware of what had gone on, she was put on a further course of antibiotics to clear it up. She was diagnosed with a super infection of the eczema (viral and bacterial). Her body had gone into toxic shock and we will be forever thankful that the hospital acted so quickly... My deepest sympathies go to Fabio's family."

Of course, it was Darent Valley's paediatric team which conducted the inquiry more than a year earlier.

One of the least satisfactory parts of the story is that of the coroner. Ricardo Nunes was denied the chance to give evidence, but Anna was called, despite the fact that they were with Fabio at different times. I am particularly concerned that the coroner reached his verdict 12 days ahead of the presentation of the external report to the trust. It is clear that the coroner would not have had the time or expertise to achieve the same level of detail or reach the same conclusions as the external team. He should have been able to draw from that report's findings.

It has been put to me that the coroner had access to the same information as the external inquiry. However, to suggest that the coroner would not have been assisted by the product of three months' work by experts is plainly ludicrous. I am sure that the Minister will not want to advance that argument. I would be grateful if she communicated my concerns to the Ministry of Justice and sought a review of the handling of Fabio's case, and invite her colleague to answer the points that I have raised this evening.

The parents were advised that it would be unwise to challenge the coroner's conclusion of death by natural causes because it would alter nothing. That may be true, but I do not regard the verdict or the process as satisfactory. Fabio's parents were represented pro bono and appealing to the High Court for a judicial review was simply not a practical option.

The cause of Fabio's death was the lack of care and the lack of appropriate intervention to treat his naturally developing fatal condition—the serious eczema combined with a virulent strain of chickenpox. I understand that a narrative verdict or a verdict of misadventure may have been possible. Given that the coroner did not see the external report, I find it distasteful that the trust stands by his verdict, despite acknowledging the

"missed opportunity in intervening earlier in Fabio's case".

Any suggestion that Fabio was going to die anyway is simply wrong. The papers prepared for the trust's Healthcare Governance Committee in July this year, particularly the overview, make offensive reading, emphasising the coroner's verdict and the parents' decision to take the medical advice offered when they took Fabio home.

Finally, I wish to raise the issue of how hospitals help bereaved parents. It seems clear that the key elements of the trusts "Being Open" policy were not followed. On page 3, the policy states:

"Communication should be timely."

Copying the parents into the external report more than 10 months after it was received was, I am afraid, disgraceful. It also says:

"Patients and their carers should also be provided with support in a manner appropriate to their needs, such as a translator or independent patient advocate."

One of the reasons given for the "Being Open" policy is to prevent formal complaints and litigation claims. I fear that this principle underpinned the approach to the Nunes family, rather than the compelling reasons of improving understanding of the dangers exposed by this case and helping the family to cope better with the effects of Fabio's loss.

The family has been paid the full amount they requested in compensation, having resisted the temptation, in the words of some commentators, "to sue the socks off the hospital". However, it is quite wrong that a process for helping bereaved parents should be geared to avoiding litigation—that should not be its purpose. When I tried to work out the sort of support that patients should receive, I discovered that it existed in the form of the trust's patient advice and liaison service. I understand this to be a patient's friend or an honest broker set up to be at one remove from the interests of the hospital trust. However, this service falls away once the issue becomes a complaint or the subject of likely legal action. So, the worse the problem, the less likely it is that that excellent approach will be used. Understandably, Ricardo's first contact with the hospital after his son's death made it clear there would be a complaint, so he was dealt with by the complaints department, which understandably has a different outlook from that of PALS.

In such cases as Fabio's, legal action and formal complaints are highly likely, if not inevitable. Bereaved parents should not have to grope towards getting the appropriate advice through whatever means are available to them. When they are reduced to having to use the media as a lever, then we have all failed. Does the Minister agree with me that PALS should be there for

[Mr. Crispin Blunt]

the patient, at one remove from the interests of the trust in defending its reputation and that of its employees, throughout the process?

Unsurprisingly, a case as tragic as Fabio's has led many to reflect on what might have been. An anonymous nurse posted this in response to Fabio's story:

"As a nurse, stories like this make me ashamed to work for the NHS. All too often us ward nurses have concerns about sending patients home, only to be over ruled by medical staff and nursing management who only see a snapshot of the patient, you don't need to work in the healthcare profession to see that this case of chicken pox is far from routine. As a parent I have also been given bad advice from GPs and have had a patient almost die of septicaemia after being told by a GP receptionist to take paracetamol and drink plenty of fluids. My advice, never take advice from a receptionist and stand your ground. I hate to say it, but those that shout loudest usually get the treatment.

Just try to remember some of us nurses and doctors really do work hard and care an awful lot."

I hope and believe that this nurse is too hard on her profession, but there are in this case a number of junior doctors, senior house officers, registrars, consultants, nurses and matrons, along with GPs and receptionists, who share that desire to put the clock back.

There are only losers in the story of how Fabio died. But the Minister can help to ensure that there may be winners from the lessons learned. I think that there already may be one—the little girl from the Knox family in Gravesend. I hope there will be other children who might now benefit from better practice and a better understanding of the risks of chicken pox. And I hope that we will never again see the distressing pictures of Fabio repeated in the case of another child.

10.18 pm

The Minister of State, Department of Health (Gillian Merron): I congratulate the hon. Member for Reigate (Mr. Blunt) on securing this debate on a very sad and distressing series of events. I have listened closely to the points that he made both now and in advance of the debate. As we know, the death of a young son or daughter is, under any circumstances, an unbearable loss, so my first thoughts this evening are with the parents of Fabio, and I thank the hon. Gentleman for giving me the opportunity to express my personal sympathies direct to the family before the debate.

I also wish to express my sympathy to the family of Lance Corporal Hill, whose tragic death was mentioned early in the hon. Gentleman's speech. I am sure that the whole House would wish to join me in expressing our condolences to both families.

I completely understand the need to understand the circumstances of the death of Fabio and to gain some reassurance that lessons have been learnt and that such a tragedy will not happen again. I agree with the hon. Gentleman that the care that Fabio received at various points in his illness was simply not good enough. However, it is important that we note the coroner's verdict. The coroner recorded a verdict of natural causes and concluded that there was no evidence that the outcome for Fabio would have been different had he been admitted to hospital sooner. However, the trust accepts that there were shortfalls in the care provided by East Surrey hospital, with staff failing to recognise the severity of Fabio's condition in order to act accordingly.

I know that it does little to ease the pain of losing their child, but I want Fabio's parents to know that the trust is taking measures to stop this happening again, and I would like to outline those to the House. The trust's action plan responds to the external review's recommendations, and includes new guidelines for staff on admissions. Those guidelines will ensure that doctors follow a standard approach, including the need to consider whether a child has eczema.

I am also informed that the trust has increased staffing levels in paediatric accident and emergency, it has improved and continues to improve staff training, and it has developed better communication and triaging procedures in the child assessment unit, all of which were flagged in the external review as potential weaknesses. In addition, the trust has strengthened its internal processes for disseminating Health Protection Agency alerts internally, which the report also said failed to happen at the time of Fabio's admission.

I also want to say a word about Fabio's treatment at primary care level, to which the hon. Gentleman rightly alerted the House. He is right to say that this has not yet been fully explored, and until recently the family had not made a complaint about that. However, the Surrey primary care trust is now investigating as a matter of urgency the reports that the family contacted their GP surgery several times before taking Fabio to hospital. I also understand that Surrey PCT is working with the Health Protection Agency to improve the way that cases of infectious diseases are dealt with. That includes better information-sharing between GPs and primary care staff.

The hon. Gentleman also spoke about wider lessons, particularly around drawing attention to the possible complications for children with eczema. The current clinical guideline from NICE on atopic eczema in children from 2007 makes it clear that any secondary infection should be promptly identified and treated. In the vast majority of cases, such as the story of the little girl whom the hon. Gentleman mentioned, that is exactly what happens. Health professionals understand the risks and respond accordingly.

As the hon. Gentleman is aware, NICE routinely reviews its guidance every two to three years to ensure that it reflects significant changes in the evidence or clinical practice. That would be the natural moment for clinical experts to reflect on whether it is necessary for stronger signposting of eczema as a complicating factor in chickenpox. The guidance on atopic eczema in children is expected to be reviewed next year.

Deeply tragic though it was, it does seem that Fabio's case was an isolated failing rather than a sign of any weakness in national policy. However, I take on board the hon. Gentleman's comments and I have already made my hon. Friend the Under-Secretary of State for Health aware of the issue as the Minister responsible for long-term conditions, including eczema. I will also ask officials to look into the point raised in respect of NHS Direct and advice given regarding chickenpox and eczema.

I come now to how the trust acted after Fabio's death. I am advised that staff from East Surrey hospital were in contact with the family at regular intervals after Fabio's death to offer meetings to discuss his care. I have been informed that they were in touch on 16 occasions after the external review was received, and they were

offered support, including access to independent advocacy, counselling, formal bereavement support and other psychological support, which was declined by the family, as is, of course, their right. However, it is clearly unacceptable that the parents received the external report nearly 10 months after it was received by the trust. Under normal circumstances, families should expect to receive the report within six weeks.

Perhaps I can gently say that I do not doubt that the trust was acting with the best intentions. My understanding is that it believed the report would have been too distressing for a grieving family to read, but there was a failure to explain that to the family that led to unacceptable delay and confusion, which was without doubt distressing in itself and an unintended consequence of a well-intentioned action.

Let me address the question of the coroner's verdict. I have heard the hon. Gentleman's concerns and want to make a few points. The coroner had access to the same information and the same members of staff as the external review panel. I therefore do not think that it would be right to conclude that the coroner's verdict was affected by the timing of the external review. I obviously cannot comment on what advice Fabio's family received about the inquest, but clearly if anyone is dissatisfied with the outcome of an inquest the verdict may be challenged by way of judicial review or an application may be made to the High Court for a fresh inquest. However, I will be happy to communicate to the Ministry of Justice, as the hon. Gentleman has requested, the concerns about the availability of the external report to the coroner.

In conclusion, the trust accepts that there were failings in the way that Fabio was looked after and I want to take this opportunity to express my most sincere apologies to Fabio's family for that. It is imperative that when a tragedy such as this occurs we take a step back, learn from the mistakes and apply those lessons to prevent similar incidents from happening again. I believe that that is what is happening. The trust is taking measures to address the weaknesses that were found in Fabio's care and management, the external review was extremely thorough and the subsequent action plan is a detailed response to address the weaknesses that were identified. I know that that can do nothing to repair the loss that has been suffered, but the actions taken since the tragedy will protect other children in the future.

Question put and agreed to.

10.27 pm

House adjourned.

House of Commons

Wednesday 28 October 2009

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

RAF NIMROD MR2 AIRCRAFT XV230

Resolved,

That an humble Address be presented to Her Majesty, That she will be graciously pleased to give directions that there be laid before this House a Return of the Report, dated 28 October 2009, of the Independent Review into the broader issues surrounding the loss of the RAF Nimrod MR2 Aircraft XV230 in Afghanistan in 2006.—(*Mr. Blizzard.*)

Oral Answers to Questions

CABINET OFFICE

The Minister for the Cabinet Office was asked—

Operation Miser

1. **Mr. Andrew Turner** (Isle of Wight) (Con): What assessment she has made of the findings of Sir Ian Johnston's review of the investigation of leaks from the Home Department under Operation Miser which relate to the actions of her Department. [295973]

The Minister for the Cabinet Office and for the Olympics, and Paymaster General (Tessa Jowell): I welcome Ian Johnston's report and the wider report published on the same day by Chief Inspector Dennis O'Connor. We have looked very carefully at both reports, and my Department will shortly send new guidance on managing information to Departments and adopt the chief inspector's protocol for future consideration of police involvement in leak investigations, which recognises the high threshold required for police involvement.

Mr. Turner: The police inspectorate's report has savaged the role of the Cabinet Office in calling the Metropolitan police to arrest my hon. Friend the Member for Ashford (Damian Green). Will the Minister place the current guidelines and protocol in the Library so that we can review the failings of the existing rules?

Tessa Jowell: Both reports reflect very fairly the state of events that led to the police involvement—a series of leaks, some of which gave rise to concern about national security. I would say to the hon. Gentleman that it is very easy, with the benefit of hindsight, to reach a different judgment. I have made it clear in my answer that the lessons of the O'Connor and Johnston reports will be applied in full, and I will certainly consult the Cabinet Secretary about the release of the information that the hon. Gentleman seeks.

Mr. Francis Maude (Horsham) (Con): The Minister says that there was some concern about national security, but Sir Ian Johnston's report makes it absolutely clear that these leaks were only matters of "embarrassment" that were

"not...likely to undermine government's effectiveness."

So why did a Cabinet Office director write to counter-terrorism asserting that there was

"considerable damage to national security"

from these stories and that

"the potential for future damage is significant"?

Did the Cabinet Secretary, the Prime Minister or Ministers know about this letter before it was sent, and was there any political pressure on civil servants to shut down those embarrassing stories?

Tessa Jowell: Neither report from Chief Inspector O'Connor nor from Sir Ian Johnston makes any claim that the Cabinet Office exaggerated national security claims; the right hon. Gentleman should be absolutely clear about that. He will also know that there was no ministerial involvement in the decision to involve the police.

Mr. Maude: But the report says explicitly that these were only matters of embarrassment that were not likely to undermine Government effectiveness. On 31 October, the Cabinet Office demanded a scoping exercise that then went into detail about the involvement of "members of the Conservative party". Does the Minister think it right that counter-terrorism officers were misled and used, in effect, to try to intimidate and suppress parliamentary opposition? Given that the Prime Minister himself made his political career as a conduit for a flood of civil service leaks, should he have been arrested when he was a shadow Minister?

Tessa Jowell: Let me deal with the substantive point that the right hon. Gentleman makes. I reiterate that neither report drew the conclusion that the Cabinet Office had over-reacted. His judgment is made with the benefit of retrospection and of the two reports having been carried out, as well as with the benefit of hindsight. The important step now is that the recommendations of the report are implemented, as they will be.

Third Sector (Recession)

2. **Clive Efford** (Eltham) (Lab): What her most recent assessment is of the effect of the recession on the third sector; and if she will make a statement. [295975]

The Minister of State, Cabinet Office (Angela E. Smith): We recognise that this is a very difficult time for the sector, with some parts experiencing increased demand for their services at the same time as having concerns about their financial situation. That is why the Government have provided a comprehensive package of support for the third sector worth up to £42.5 million. The money is getting out there right now to groups who need it. Thousands of grants have been made, and that is supporting the communities that need it most and providing jobs.

Clive Efford: I welcome my hon. Friend's answer; that will be very welcome news to the voluntary sector. However, many funders of not-for-profit voluntary organisations do not recognise the need to cover their core funding in order to make them sustainable for the

future. Those organisations want to create income that provides for that. I come across this problem frequently in organisations that I work with in my constituency. Will she encourage funders to bear this in mind in future?

Angela E. Smith: Absolutely. My hon. Friend has a reputation in his constituency for his involvement in the third sector, and the points that he makes are entirely valid. Let me mention some of the things that the Government are doing; I hope that other funders will consider them. Grass-root grants are going directly to smaller organisations—an initiative that has never been taken before, coupled with an endowment process—and that is providing £130 million. That can address the issue of core funding. We also have the community assets programme, providing £30 million across the country for projects involving buildings that are sustainable for the long term. May I direct him also to Communitybuilders, a £70 million programme that was recently opened for applications and has received 1,500 already? That is the kind of programme that the organisations he mentions will benefit from.

Mr. Nick Hurd (Ruislip-Northwood) (Con): We should be concerned that more than 10,000 charities have ceased operating in the past six months, according to the Charity Commission. After two years of consultation, we are still no clearer about Government plans to make gift aid easier and more effective for charities. Instead, we are now getting signals from private meetings that the Treasury actually wants to scrap tax reliefs for higher rate payers who give to charity. This must be the wrong time to be hiding things from the sector. When will the Government come clean on their plans for the reform of gift aid?

Angela E. Smith: The number of charities has reduced, but from talking to the Charity Commission we find that that is about the cleaning up of the charities list. There are charities that have been on the list for some time but have not been functional, or there may have been mergers.

This Government have a proud record on gift aid, and several changes have been brought in.

Mr. Hurd *indicated dissent.*

Angela E. Smith: The hon. Gentleman may shake his head, but it is absolutely true. A number of changes have been brought in to simplify and improve the system and get more money out to charities. I understand the frustration of some charities that want to see change more quickly, particularly on the issue of higher rates, but the problem is that there is not agreement among the charities themselves about the best way forward. We are in talks with the Treasury about how best to address the matter, but the improvements that this Government have made have increased the amount of gift aid going to charities. The number of donations has more than doubled since 2001, when we first started making changes. I understand the frustrations, but we are working with the Treasury to ensure that there are improvements.

Hilary Armstrong (North-West Durham) (Lab): Can my right hon. Friend give us any indication of whether voluntary organisations are responding to the Government's initiatives to get more people into work by increasing the work that they do, so as to benefit from the programmes that have recently been put in place?

Angela E. Smith: The response to the Government programmes put in place during the recession has been remarkable. I am pleased to say that the anecdotal response that we are getting, particularly on grass-roots grants, is that the forms and application process are easier and simpler than they have ever been before. There is an increased number of volunteers, and we are supporting them through a variety of programmes. The evidence is clear that people who volunteer often find a route into work by gaining skills, confidence and connections with employers.

Charities (Regulatory Burden)

3. **Mr. Ian Taylor** (Esher and Walton) (Con): What steps the Government are taking to reduce the regulatory burden on charities. [295976]

The Minister of State, Cabinet Office (Angela E. Smith): The changes that we have made to charity law and to accounting and reporting thresholds have resulted in savings of thousands of pounds for charities. Departments are cutting red tape for third sector organisations, and further progress will be reported before the end of the year. The Government and the National Audit Office have produced guidance to reduce red tape associated with the £12 billion a year that the sector gets from the Government.

Mr. Taylor: Does the Minister understand that in my constituency, charities are worried about the detailed applications for gift aid, which she has just discussed, the ending of the ring-fencing of Supporting People and particularly the vagueness of the extension of Criminal Records Bureau checks, especially for volunteers dealing with children. The problem is not that the regulations are wrong, it is the application of them that is causing concern.

Angela E. Smith: We have to get the balance right between protection of the public and the regulatory burden that we place on charities. I am very conscious of that, and I have outlined some of the measures that we are undertaking to address the matter. Sir Roger Singleton is currently examining the new vetting and barring system for criminal records checks to ensure that we get the right balance between protection and regulatory burden. I can assure the hon. Gentleman that it will be better for charities and volunteers, and that checks for volunteers will be free. I hope that that reassures him that we are getting the balance right and addressing the concerns that he has raised.

Mr. Lindsay Hoyle (Chorley) (Lab): I welcome the news that CRB checks will be free for volunteers, but I recognise the importance of removing regulation. Any money that is donated that actually goes to charities rather than being spent on costs is welcome. Can my right hon. Friend give us some suggestion of what the savings to charities will be?

Angela E. Smith: It is difficult to ascertain the exact amount that we are saving for charities, because to do so we would have to examine every single volunteer.

One problem has been that some charities have paid for the same volunteer to be checked twice. We will examine the matter, but it is difficult to give my hon. Friend an exact figure.

Dr. William McCrea (South Antrim) (DUP): But can the Minister be very clear on what particular steps the Government are taking to allow charities that receive from generous donors financial aid at this time of recession to use it on good causes, rather than spend the money on the increasing burden of fulfilling administrative and compliance demands?

Angela E. Smith: We are very conscious of the administrative burden on charities. One thing that we have been doing is supplying grants through the modernisation programme so that charities can look at working with other charities and organisations, perhaps by sharing back-room functions, collaborating or merging. That frees up more money to be spent on the objectives of the charity itself. That is one way that we are able to help. I will be happy to give the hon. Gentleman further information and to look at the particular charities in which he is interested.

Bogus Charitable Collections

4. **Jeff Ennis** (Barnsley, East and Mexborough) (Lab): What steps she plans to take to tackle the practice of bogus charitable clothes collections. [295977]

The Minister of State, Cabinet Office (Angela E. Smith): I am absolutely appalled that any organisation would try and con people into thinking that it is a charity in order to collect goods from the public that are intended to be sold to raise funds for a charity's important work. I can tell my hon. Friend that in 2007, the Government, through the Office of the Third Sector, co-ordinated a Give with Care campaign to increase awareness of bogus clothing collections, and we are planning further such public campaigns in the coming months. We will also continue to encourage enforcement of the legislation.

Jeff Ennis: I thank the Minister for her reply, but two of my constituents, Mr. Dale Rutter and Mr. Mike Hyde, from Sprotbrough in Doncaster my constituency, who do charity collections on behalf of Cancer Research UK, informed me at a recent surgery that the number of bogus charity clothes collection operators working in south Yorkshire is very much on the increase because of the credit crunch. Will the Minister agree to meet me and my constituents to discuss this very important issue in greater detail?

Angela E. Smith: Of course I am happy to meet my hon. Friend, who has a record of campaigning on this issue. I would direct his constituents to look at the campaign that we have been running and the small print on the sacks that are delivered to people's homes to encourage them to donate, because sometimes there is more helpful information there. I would also suggest that if people want to donate, they might want to go to the charity shop directly. That may be a better way of ensuring that bogus collectors do not get the gifts that are intended for charities.

Mr. Philip Hollobone (Kettering) (Con): Would the Minister like to take this opportunity to congratulate the Salvation Army, which is one of the leading clothes collectors and recyclers in the country, and whose depot in Kettering is one of the largest clothes recycling depots in the United Kingdom?

Angela E. Smith: I am always pleased to congratulate a charity that is doing good work. The public can be assured that if a sack comes through their door to collect clothes for the Salvation Army, it is totally genuine.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): I think I am right in saying that a case of that sort was taken to court by the local authority in Cardiff recently, resulting in a fine of £750. Perhaps that ought to have been higher, but will my right hon. Friend encourage local authorities and magistrates to use their existing powers to the full to drive these cancerous companies out of business, and to allow the public confidence that what they give goes where it is intended?

Angela E. Smith: My right hon. Friend makes a pertinent point. I congratulate Cardiff council on taking that prosecution. A £750 fine is significant for those who are involved in such illegal activities, and I will certainly talk to my colleagues in the Department for Communities and Local Government to see how we can work together to encourage local authorities to enforce their current powers.

List of Ministerial Responsibilities

5. **Mr. Peter Bone** (Wellingborough) (Con): What the cost to her Department was of the (a) production and (b) distribution of the most recent list of ministerial responsibilities. [295978]

The Minister for the Cabinet Office and for the Olympics, and Paymaster General (Tessa Jowell): The list of ministerial responsibilities is produced in-house in the Cabinet Office, the costs of which are met from within the existing Cabinet Office budget. They are not, I am afraid, separately identifiable.

Mr. Bone: The Cabinet Office booklet helpfully ranks Cabinet Ministers in order of importance—No. 1 being the Prime Minister, No. 2 being the Leader—*[Interruption.]*

Mr. Speaker: Order. One would have thought that the hon. Gentleman's colleagues would want to listen to his question and that it would be courteous to do so.

Mr. Bone: Thank you, Mr. Speaker. Back to the ranking of the Cabinet: No. 1 is the Prime Minister, No. 2 is the Leader of the Commons and No. 3 is the Lord Mandelson, who is more important than the Chancellor, the Home Secretary, the Foreign Secretary, the Justice Secretary and the Defence Secretary. In fact, the Defence Secretary is listed as the third least important—*[Interruption.]*

Mr. Speaker: Order. I am waiting for the question mark and I have not heard it.

Hon. Members: Answer!

Tessa Jowell: I was waiting for the punch line. The ranking of ministerial offices reflects the significance and importance of the responsibilities carried by the post-holders within the Government. No one is in doubt about the significance of the contribution made, and the responsibility carried, by Lord Mandelson.

Jenny Willott (Cardiff, Central) (LD): Ministerial lists have to be reprinted frequently because of the Government's obsession with changing the machinery of government. Since 2005, the Department for Trade and Industry has had four incarnations, the Department for Education and Skills and the Department for Environment, Food and Rural Affairs have been split up and the Department for Innovation, Universities and Skills abolished—the list goes on. Does the Minister agree that those reorganisations are unnecessary and expensive, and staff time would be better spent working on policy and problems than on changing the headed paper?

Tessa Jowell: If it were only as trivial as changing the headed paper, yes, but modern government has to be flexible, with the capacity to respond to new and changing demands. That is what the machinery of government changes are designed to do.

Social Enterprise

6. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): What assessment she has made of the contribution of social enterprise to the economy. [295981]

The Minister of State, Cabinet Office (Angela E. Smith): I am very pleased to answer this question in the run-up to social enterprise day on 19 November, which is a celebration of the 62,000 social enterprises in the UK. Last week, I met 13 social enterprise ambassadors at the restaurant Fifteen, itself a thriving social enterprise, and they are some of the most inspiring social entrepreneurs in the country, together employing more than 1,400 people. Social enterprises contribute about £24 billion to the economy each year and employ 800,000 people. It is clear that at their best social enterprises contribute to a stronger economy and a fairer society.

Mark Lazarowicz: Would the Government consider introducing a community reinvestment Bill to further support social enterprise?

Angela E. Smith: One of things that the Government need to look at—and are doing so—is how to get more capital investment into social enterprises. My hon. Friend may be aware that we have recently concluded our consultation on the creation of a social investment wholesale bank. Consultation closed on 7 October and we are looking at the responses to see how we can best ensure that we get more capital investment into social enterprise, to the benefit of the economy and the community as a whole.

Robert Key (Salisbury) (Con): Will the Minister do her best to encourage Departments, and especially the Government offices for the regions, to participate in social enterprise organisations locally, some of which are working very hard to find practical answers to problems such as transport in rural areas? Will they also work with organisations such as Policy Connect, which is based in this House?

Angela E. Smith: It is very good when the Government offices for the regions can co-operate with social enterprises. Indeed, I recently visited Hackney transport social enterprise, which is doing tremendous work for the local community. The public are now looking for something different from their business enterprises—social and environmental concern instead of just the financial bottom line. It is important for government at all levels to co-operate and work with social enterprise—*[Interruption.]*

Mr. Speaker: Order. The hon. Members for West Chelmsford (Mr. Burns) and for Reigate (Mr. Blunt) have been conducting an animated conversation for several minutes. I feel sure that that conversation has now been concluded.

Ms Dari Taylor (Stockton, South) (Lab): My hon. Friend will know that Community Ventures is a social enterprise that serves my constituency very well. Is her Department considering advising social enterprises to put social clauses into public contracting, so that training opportunities and employment regeneration are added to social contracts?

Angela E. Smith: My hon. Friend makes an important point, which is similar to the point that I made a moment ago about there being more to a social enterprise than the financial bottom line. There is a social return on the investment. I can tell her that yesterday the second phase of the Government's national programme for third sector commissioners began, and it is specifically looking at how to address social issues and how to provide benefit to the public through public service procurement. The short answer is yes.

Mr. Speaker: I call Mr. Alistair Carmichael to ask Question 7.

The Minister of State, Cabinet Office (Angela E. Smith): I refer the hon. Gentleman to my answer a moment ago, but I can also assure him that the Government—

Mr. Speaker: I thought that the Minister was seeking a grouping.

Angela E. Smith: I am, indeed, Mr. Speaker, and I am grateful for your reminder.

Charities (Recession)

7. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): What recent assessment she has made of the effect of the recession on charities. [295984]

9. **Sandra Gidley** (Romsey) (LD): What her most recent assessment is of the effects of the recession on charities. [295986]

Angela E. Smith: I can tell the hon. Gentleman that we recognise the difficulties facing the sector. As I mentioned to my hon. Friend the Member for Eltham (Clive Efford), an increased amount of services are being provided, but at the same time there are concerns

about financial support for the sector. The Government's package of support during the recession of up to £42 million will help to address that.

Mr. Carmichael: I am grateful to the Minister for that reply. Many charities in my constituency are already facing difficulties as a result of the economic climate and are now facing a further threat as a consequence of the dispute between the Lloyds TSB Foundation and the Lloyds TSB banking group. Will the Minister do what she can to intervene in that dispute and to broker some sort of settlement, so that the contribution that the foundation makes to many charities in Scotland can continue?

Angela E. Smith: I would love to be able to do so, but I think that it might be beyond my powers. Obviously, if the Government can give any support or advice, we will be happy to do so. I understand that the Scottish Executive have looked at this matter as well. It is time to place on the record—perhaps this message can go back—how much we greatly value the foundation and the support given by such organisations. We hope that efforts can be made to ensure that it continues.

Sandra Gidley: Is the Minister aware that the number of main reporting charities registered with the Charity Commission has fallen by more than 12,000 over the past year? Although some of that can be attributed to administrative changes in the commission, is it not really a sign that the Government's third sector recession action plan is not working? How can she make it more effective?

Angela E. Smith: I have to challenge the hon. Lady when she says that the £42.5 million put into the third sector is not working. Charitable organisations on the ground will tell us the difference that it makes. I can also say that she needs to talk to the Charity Commission about the reasons for the figure. Plucking out headline figures does not tell the true picture. More than 1,000 charities have chosen to merge, and the commission has said that it had to clear up the list. A number of those charities have been active for some years. Obviously, we want the number of third sector organisations to increase and those organisations to develop. That is why the Government have a plan to do that.

Mark Durkan (Foyle) (SDLP): Has the Minister been able to form any assessment of how banks are treating charities in the current context, in terms of loans, operating charges and other pressures, including on the assets that charities hold?

Angela E. Smith: There is no formal assessment, but anecdotally there is a mixed picture. Some report favourable responses and support from their banks, but in other areas we are finding that banks are perhaps not as sympathetic as they could be. That is one of the reasons that the Government have a programme in place to help charities, and that includes loans being made available.

Sir Nicholas Winterton (Macclesfield) (Con): Charities have suffered as a result of the recession. Charities such as Age Concern and the hospice movement make a huge contribution to the well-being of certain groups of people in this country because of the large number of volunteers who give their services free. Can the Government not do more at this time to help charities that are so well regarded in this country?

Angela E. Smith: It is a pleasure—albeit an unusual one—to agree with the hon. Gentleman. I, too, recognise the value of volunteers, and I can assure him that a number of programmes are in place to train volunteers, to help them to broker the arrangements for volunteers that enable them to volunteer in the right way and to use the right skills of volunteers. Not only do charities benefit; the economy as a whole benefits. It is often a route into work. I entirely agree, therefore, with his proposition that volunteers are essential to civic society.

Contingency Planning (Floods)

8. **Miss Anne McIntosh** (Vale of York) (Con): What recent discussions she has had with the Secretary of State for Environment, Food and Rural Affairs on the work of the Civil Contingencies Secretariat natural hazards team in relation to contingency planning for floods. [295985]

The Minister for the Cabinet Office and for the Olympics, and Paymaster General (Tessa Jowell): I know that the hon. Lady has a great interest in this matter and is concerned, as we all are, that the recommendations of the Pitt review that followed the 2007 floods be implemented swiftly. To this end, the natural hazards team in the Cabinet Office has been established and is developing a programme to reduce the disruption to critical infrastructure and essential services that caused so much suffering during those floods. A statement of policy is being developed with local authorities, regulators and the relevant industries. A wider consultation on this will follow in November and no doubt Members on both sides of the House will wish to engage in this. The—

Mr. Speaker: Order. We have got the drift. Let us have the supplementary question. I call Miss Anne McIntosh.

Miss McIntosh: The Government promised to have undertaken a national assessment of all the critical infrastructure at risk by the beginning of this year. Why have they failed to do so and why have they let down those households that were flooded in 2007?

Tessa Jowell: The hon. Lady is not correct; a lot of work has already been undertaken in establishing the basis for the wider consultation, including discussions with the regulators, local authorities and other relevant industries. Wider consultation with the public will take place in November, after which the policy statement setting out how such humanitarian crises will be avoided in the future will be published.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [295958] **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will list his official engagements for Wednesday 28 October.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I know that the whole House will want to join me in paying tribute to the members of our armed forces who have given their lives on behalf of our country in Afghanistan. Today we mourn the loss of Corporal Thomas Mason from the Black Watch, 3rd Battalion the Royal Regiment of Scotland and Corporal James Oakland from the Royal Military Police. I know that the thoughts of the whole House are with the families and friends of those brave men. They will not be forgotten for the service that they gave. On behalf of the British people, this morning I have also sent a message to the UN Secretary-General offering our condolences and support, following the Taliban attack on the United Nations in Kabul this morning.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Hepburn: First, may I join the Prime Minister in expressing my condolences to the families and friends of the people he mentioned?

Will the Prime Minister ensure that any announcement by the Justice Secretary on pleural plaques will ensure a commitment to compensating pleural plaques victims from the past, the present and the future?

The Prime Minister: I know the anxieties that people who are diagnosed with pleural plaques have. I know also that there have been a huge amount of medical inquiries into this big issue. I know too that those who end up suffering from asbestosis suffer from one of the worst and most painful diseases imaginable, and it is right that we have the proper compensation in place for them. I am looking forward to meeting my hon. Friend and a group of MPs tomorrow to discuss this very issue with the Justice Secretary. It is important, after the legislation that has come before the House, that we get a resolution soon.

Mr. David Cameron (Witney) (Con): May I join the Prime Minister in paying tribute to Corporal James Oakland and Corporal Thomas Mason? They died serving our country and our thoughts should be with their families and friends. As the Prime Minister said, we should also think of those six UN aid workers who were killed in that dreadful attack in Kabul.

Before I get on to other questions, may I welcome the Government's complete U-turn on cutting £20 million from training in the Territorial Army? That was brought about after questions by Conservative MPs and Labour MPs, and from this Dispatch Box. Can the Prime Minister tell us what on earth he was thinking of when he was thinking of cutting Army training at a time when the country is at war?

The Prime Minister: First of all, let me repeat my condolences, as the right hon. Gentleman has, to those people who have died, one of whom was injured in the summer and subsequently died in Birmingham. Our thoughts must also be with the United Nations and the relatives of those staff today. I will be speaking to the UN Secretary-General to tell him that no terrorism should deter us from our actions in Afghanistan.

As far as the training for Afghanistan is concerned, there are three stages to it and all are important. First, we have to ensure that our regular Army has the numbers that are necessary. That is why an additional 9,300 people have been recruited to the Army over the past year. That means that Army numbers are now at 101,000, which of course means more money. The second thing was to ensure that the Territorial Army, which was sending people to Afghanistan, had them going to Afghanistan properly trained and equipped. I was sure when I reported to the House two weeks ago that that is what we would do.

The third thing is that, having spent an additional £1 billion on Afghanistan this year and spending £1 billion extra on defence for costs associated with Afghanistan and other things, we could or would be able to spend on the Territorial Army. Having looked at all the issues, including the extra £1 billion that we are spending on Afghanistan, and having talked to the Chief of the Defence Staff, I decided that that was the right thing to do. However, I have to tell the right hon. Gentleman that we are spending £1 billion more on Afghanistan and £1 billion more on defence. It is wrong for him to say that we are not spending sufficiently on defence; we are.

Mr. Cameron: Honestly, this Prime Minister cannot even be straight and straightforward when he is performing a U-turn. He cannot get away from the fact that he was proposing cuts in basic training that would have meant cuts in the TA, and if you cut by that amount, you cannot fight a war. He says that there were three stages to this, and there were: the wrong policy, informed by the wrong values, followed by weeks of dithering in Downing street and, finally, the Government forced by the Opposition to do the right thing in a humiliating climbdown. And it all ends, once again, with a complete loss of the Prime Minister's authority. Why does this Prime Minister keep getting it wrong?

The Prime Minister: What is wrong are the Opposition's policies on the economy. What is wrong are the Opposition's policies on the health service. What is wrong are the Opposition's policies on education. Right throughout the recession, we have got things right, and the right hon. Gentleman has got it wrong.

Mr. Cameron: The Prime Minister turns to the economy, so let us turn to the economy. We learned last Friday that Britain is in the longest and deepest recession since records began. Presumably, one very simple thing has to follow from that: this Prime Minister has got to say something that, up to now, he has completely refused to say. Will he finally admit that he did not end boom and bust?

The Prime Minister: We always said that we would come out of recession by the end of this year. That has been the position that the Chancellor took in his Budget, and the position that we consistently took. It would have been wrong, and made things a lot worse, if we had taken the advice of the right hon. Gentleman, the Leader of the Opposition. Today, in Brussels, we have got permission to enable Northern Rock to be sustained as a company. We agreed to nationalise it, and we saved 3,000 jobs in Northern Rock. If we had taken his advice, there would be no Northern Rock and 3,000 jobs would have been lost.

Mr. Cameron: The Prime Minister tells us that he has been consistent in saying that we would be out of recession by the end of the year. I am not going to let him get away with that. In September, he said:

"We are now coming out of a recession, as a result of the actions we have taken".

He also said in September:

"I think you will see figures pretty soon that show the action that Britain is taking yielding effect".

In June, he claimed that Britain was

"leading the rest of the world...out of recession".—[*Official Report*, 3 June 2009; Vol. 493, c. 268.]

The fact is that France, Germany and Japan have been growing for six months. Does he now accept that he got it comprehensively wrong?

The Prime Minister: If I have to explain to him, Germany and Japan have had a far deeper recession that we have. Equally, at the same time, unemployment in this country is far lower than it is in America or in the euro area, and that is a result of the actions that we have taken. The right hon. Gentleman can read every statement that he likes, but this is absolutely consistent with my view, and the Chancellor's view, that we would come out of the recession by the end of the year. The problem is that the right hon. Gentleman has policies that would keep us in recession. His policies would mean more unemployment, because he will not support the new deal, more small businesses going under—we have supported 200,000 small businesses—and more home owners losing their homes. That is the policy of the Conservative party. He cannot deny that he got every aspect of this recession wrong.

Mr. Cameron: Even when you read the Prime Minister one of his own quotes from September about the recession ending, he cannot be straight about it. France, Germany and Japan have all come out of recession. So have Sweden, Brazil, Russia, South Korea, Singapore, Hong Kong, Thailand and New Zealand. Does not this list demonstrate something else? When the Prime Minister said, as he did over and over again, that we were the best prepared country in the world for this recession, he was plain wrong.

The Prime Minister: No, we have been better placed because we have 3 million more people in work than in 1997. We are better placed because we have the new deal in place to help the unemployed, and we have been better placed because we had lower debt starting the recession as a result of the actions that we have taken. The right hon. Gentleman cannot deny the fact that every single country in the International Monetary Fund is against the policies of the Conservative party. Every single country in Europe is against the policies of the Conservative party. The CBI, the chambers of commerce and other institutes in Britain representing business do not like the idea of withdrawing the fiscal stimulus. What sense does it make to withdraw the fiscal stimulus now, which is the policy of the Opposition?

Mr. Cameron: How can this Prime Minister possibly claim that we are the best placed when we have had the longest and deepest recession since records began, when we have 2.5 million people unemployed, when one in five young people cannot find a job and when his recent triumph is that our economy is now smaller than Italy's? That is what he has given us. Even before this recession, our budget deficit was the biggest in the developed world; we had a regulatory system designed by him that did not work; and we had 5 million people on out-of-work benefits. What he said about the recession was wrong; what he said about the recovery was wrong; what he said about being well prepared was wrong; what he said about boom and bust was wrong. Does he not understand that unless he is straight with people about how we got into this mess, no one will trust him to get us out of it?

The Prime Minister: Not one policy from the Opposition today; not one idea about growth in the economy. They were wrong on Northern Rock; they were wrong on helping the unemployed; they were wrong on helping home owners; they were wrong on helping small businesses; they were wrong on the restructuring of the banking system; they have been wrong on the new deal; they are wrong on just about every economic policy. No wonder every policy announced by the shadow Chancellor collapses just after the morning headlines. They have got no ideas on how to get us out and into growth. Had we taken their advice, we would be in an even deeper and even longer recession with more unemployment than there is now. They are not fit even to be the Opposition, when it comes to promulgating economic policies.

Hon. Members: More, more.

Mr. Speaker: Order.

Ms Patricia Hewitt (Leicester, West) (Lab): In view of this week's state visit by her excellency the President of India, will my right hon. Friend say what more he can do further to strengthen the trading relationship between Britain and India?

The Prime Minister: I welcome, as I think everybody should, the President of India on her state visit to Britain. This is a sign of the strategic partnership that is growing between India and the United Kingdom, and I would like to thank my right hon. Friend for her chairmanship of the British-India association that brings forward proposals for even stronger relationships in the future. More than a million people travel between the UK and India each year; there are about 1.5 million people of Indian origin in the UK; there are 30,000 Indian students in Britain: relations will grow stronger as we develop closer educational, cultural and economic links between these two great countries.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I would like to add my own expressions of sympathy and condolence to the family and friends of Corporal Thomas Mason and Corporal James Oakland, who served so bravely in Afghanistan—and, of course, to the family and friends of the six UN aid workers who were so brutally murdered in Kabul.

The international climate change summit is now only a few weeks away, and what happens in Copenhagen will shape our world for generations to come. I welcome a lot of the Prime Minister's pre-summit rhetoric; if words could do the trick, we would be halfway to a deal already. When it comes to the environment, however, it is actions that really count, so how would the Prime Minister characterise his Government's green record over the last decade?

The Prime Minister: We have met the Kyoto targets. We have got the first climate change Act of any country in the world. We have committed ourselves to very radical cuts in emissions not only in the long term, but in the short term. We are fighting hardest to get an agreement in Copenhagen. I have said that I will go to Copenhagen; I want there to be an agreement in Copenhagen. It is based first on us agreeing a political understanding about how the treaty will be developed. We then need to agree on the intermediate targets. I think all countries will have to accept that they have got to make commitments, and we need to have a financial proposal such as the one that we have put forward. This will be discussed at the European Council this week, and I believe that the European Council will want to make progress. I believe Europe will have a position, which can then be put to Copenhagen.

Mr. Clegg: As far as the Prime Minister's own record is concerned, the sad truth is that he has done far too little, far too late. Total emissions are up, and air travel is up. The Prime Minister wants a new runway at Heathrow, he wants more dirty coal power stations and more nuclear energy plants, our housing stock is the most poorly insulated in Europe—and last week the Prime Minister got all his MPs to vote against the 10:10 environment campaign. Does he not realise that unless he acts fast to fix things here at home, he will have no chance and no authority to fix things in Copenhagen?

The Prime Minister: I suspect that the right hon. Gentleman wrote his second question before he had heard my answer to the first. I set out very clearly the actions that we have taken on the environment. I think that the right hon. Gentleman's party's position would be a lot better if Liberal councillors across the country did not vote against planning consent, so that we could have renewable energy, and I think that his own position would be a lot stronger if he could say that he would support nuclear energy, which is one of the means by which we can reduce carbon emissions.

We will continue to fight for a deal at Copenhagen. I believe that all parties should be interested in that being achieved, and I think that we should all campaign together to secure that deal at Copenhagen.

Mr. Terry Rooney (Bradford, North) (Lab): Is my right hon. Friend aware that 2,000 grandparents in this country have taken custody of grandchildren, usually following tragic circumstances affecting the children's natural parents? Is it not time that we gave real financial and practical support to those grandparents and recognised the magnificent work that they do, instead of punishing them as the system does at present?

The Prime Minister: I thank my hon. Friend for his efforts to raise the profile of how we can do more to help grandparents. He may know—because I think he has been part of this—that we are holding a cross-government summit in November to listen to the experience of grandparents and their organisations. From 2011 grandparents who look after grandchildren will receive national insurance credit, and we will publish a Green Paper on that in the next few months. The role of grandparents is absolutely vital to every family in the country, and we should do everything that we can to strengthen the role that they can play.

Q2. [295959] **Mr. John Baron** (Billericay) (Con): Even those of us who believed that the Government fundamentally underestimated the task when they first became involved in Afghanistan felt that the recent fraud-ridden presidential election was a worrying development. Given that the Prime Minister is aware that troops provide time and space but not a political solution—which will be an essential part of the jigsaw if we are now to succeed—what lessons has he learned from this period when it comes to any election run-off?

The Prime Minister: First, as the elections take place—and the date has already been set—we must ensure that there are sufficient monitors as well as sufficient security. One of the problems during the last election was that there were insufficient monitors, which allowed corrupt ballots to take place. Secondly, we must work towards a political solution. It is not simply a military solution that we are looking for. We want to strengthen local government so that people in Afghanistan feel that they have a stake in the future of the country, and we want to have a corruption-free central Government. That is one of the problems with which we have been dealing for many years.

We—the Americans, NATO and others—will have to sign a contract with the new President, whoever he is, so that early action can be taken to deal with those abuses. In the longer term, of course, we want to split the Taliban ideologues from the others, and to reconcile where that is possible, so that we can build a stronger democratic centre to ensure the future of Afghanistan. Our role is to be there to build up the Afghan military and police so that they are able to take more responsibility for their own affairs and, as a result, the number of our troops can fall.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): My right hon. Friend will be aware that during his period as Chancellor and Prime Minister, British canals have been turned around from being a drain on our nation's resources to being a national asset. Will he ensure that British Waterways is seen not as an asset to be sold off, but as an asset to be treasured—like our national parks and areas of outstanding natural beauty—and used for public benefit as well as local regeneration?

The Prime Minister: I think my right hon. Friend will agree that new investment in British Waterways has been very important to guaranteeing its future. We must consider how we can get further new investment into British Waterways for the future: that is our principal aim.

Q3. [295960] **Bob Spink** (Castle Point) (Ind): As we approach Remembrance Sunday, Canvey Island Royal British Legion proudly reaches its 75th anniversary. It also has its first Gurkha member, Laxmi Ghising. Will the Prime Minister continue his honourable support of the Gurkhas by granting them equal pension rights, and will he congratulate the British Legion?

The Prime Minister: We will look at the case the hon. Gentleman has put forward on the Gurkhas, but I have to tell him on this matter that a High Court case has been taking place over the last period of time. On the Royal British Legion, I commend the work that it does. Particularly as we approach Remembrance Sunday, we

remember the way in which it represents all the families and all the ex-servicemen and women of our country, and its organisation of the festival of remembrance and so many events around the countries is something of which our nation is very proud. I think the whole House will want to join me in thanking the Royal British Legion for everything it does.

Stephen Pound (Ealing, North) (Lab): The African Caribbean community has made an immense contribution to this country, particularly in the field of public services. Many in that community are deeply distressed by the increase in air passenger duty, which appears to be arbitrary and illogical. Will the Prime Minister be prepared to meet myself and a few colleagues, including my hon. Friend the Member for Brent, South (Ms Butler), to see how best we can resolve this problem?

The Prime Minister: As my hon. Friend knows, the taxation of environmental goods, and particularly air fuel, has been a vexed matter for many years. On air passenger duty, the Chancellor tells me that he will be meeting a group including my hon. Friend to discuss these matters in the next few days.

Q4. [295941] **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): Sections 32 to 34 of the Inquiries Act 2005 specifically give the Prime Minister and his Government the power to co-instigate an inquiry into the Lockerbie disaster. Why is the Prime Minister refusing to take these powers, and thereby yet again outsourcing responsibility to the Scottish Parliament?

The Prime Minister: First of all, let me say to the House that this terrible crime in Lockerbie will never be forgotten and, even many years on, we must remember the hurt that has been caused to the relatives of those people who lost their lives in Lockerbie as a result of what happened over the summer. I want to emphasise that Megrahi is still in the eyes of the law a convicted terrorist for the criminal act he was engaged in. It is for the Scottish authorities to pursue any new leads that exist. They are the authority with whom jurisdiction on this lies, and it is for them to take the action that is necessary.

Chris Ruane (Vale of Clwyd) (Lab): We live in dangerous times. There are a number of threats and issues of global importance, such as global terrorism, global warming and the unresolved Palestinian-Israeli conflict. Is Britain's interest best served by a strong European alliance of sensible, mainstream parties, or an alliance of Islamophobes and climate and holocaust deniers like the one that lot over there on the official Opposition Benches have got?

The Prime Minister: When I go to the European Council tomorrow, I will meet not only leaders of socialist groups in Europe, but leaders of the Christian Democrat groups and centre-right parties in Europe. It is amazing that the Conservative party has broken its links with the centre-right in Europe to join a group that can only be described as extremist. The Conservative party will regret isolating itself from the centre of Europe. It is out on a limb; it is putting British jobs at risk; it is angering British business; and it is out of touch with what people know is necessary for the future.

Q5. [295962] **Mr. David Evennett** (Bexleyheath and Crayford) (Con): Could the Prime Minister tell me why we need a President of the European Union and who he is supporting for the job?

The Prime Minister: We have made it very clear that if this position is to be created—the European treaty is not yet through—and if the former Prime Minister Tony Blair comes forward as a candidate, we will be very happy to support him.

Q6. [295963] **Mr. Tom Watson** (West Bromwich, East) (Lab): Some 250 Members from both sides of the House today joined 100,000 petition signers to Ofcom. Phone companies BT and 3UK have joined unions Unite and Amicus and the Royal College of Nursing in support of early-day motion 1531. Consumers are being ripped off. Does my right hon. Friend think that phone companies that have hidden charges for connecting from one network to another should cut their rates?

The Prime Minister: Ofcom is looking at this very matter. There is an unfairness to consumers who change company; the cut-off rates are very high indeed. It is right that Ofcom investigates it, and it is right that the consumer gets a better deal.

Q7. [295964] **Bill Wiggin** (Leominster) (Con): The company Green Energy Supplies of Leominster faces extra costs from the Government's microgeneration certification scheme. To show that the Prime Minister is serious about Copenhagen and renewable energy, will he agree to meet my constituents and get rid of some of this gold-plating?

The Prime Minister: No, the Government are doing more to promote low-carbon industries in this country. We are investing in the new technologies, and we are supporting a range of small, medium-sized and large businesses. The Department for Business, Innovation and Skills will meet the hon. Gentleman to talk about these issues, but I am convinced that we are doing as much as we can now—we will do more in the future—to help the development of low-carbon industries in his constituency and throughout the country.

Q8. [295965] **Gwyn Prosser** (Dover) (Lab): Sir Jeffrey Sterling famously said that the Labour Government did more for the British merchant navy in their first 18 months than the Tories did in 18 years. Given the news that Maersk Line is starting to ship out of the British register and lay off British seafarers, will the Prime Minister tell us when Ministers will act on the employment and training package put forward in 2007 by the unions and the industry? It will expand the fleet and create new jobs for British seafarers.

The Prime Minister: Shipping is a very competitive global industry, but what we did in 1997 so that ships were flagged from the United Kingdom was a very important act of government to help defend, safeguard and expand jobs and opportunities for seafarers. The proposals put forward by unions and the industry together are ones that we are now looking at in order to create more training and employment opportunities in the industry, and I am very happy to discuss them with my hon. Friend.

Q9. [29996] **Mr. Graham Stuart** (Beverley and Holderness) (Con): Last weekend, Members from all three of the main political parties and both Houses were among 100 legislators from the major economies who came together at the GLOBE legislators forum, which was attended by the Prime Minister of Denmark, on the subject of climate change. The GLOBE forum resulted in a consensus of the 100 legislators on a set of legislative principles that were jointly put forward by United States Congressman Ed Markey and Chairman Wang Guangtao of China. Will the Prime Minister agree to meet the UK's delegation to that GLOBE meeting ahead of the conference of the parties—COP—meeting in December?

The Prime Minister: I will meet delegations to look at this issue of climate change, but I have to tell the hon. Gentleman that what we need is progress from both China and America, so that we can have a climate change deal. The principles that will underlie the deal must include intermediate targets that are agreed by countries around the world. I hope that as part of the decisions that were made by his group last weekend, there was recognition that we will need intermediate as well as long-term targets and we will need to solve the problem of climate financing. That is crucial and our proposal, which is not to affect international development aid, but to raise additional money for tackling climate change for the poorest countries, is one that I hope will commend itself to all parties.

Sir Stuart Bell (Middlesbrough) (Lab): Following the creation of the Independent Parliamentary Standards Authority, and given the fact that Sir Thomas Legg is reviewing five years of our allowances, with the publication next week by Christopher Kelly of the overall review of MPs' allowances, can the Prime Minister tell the House what the next steps will be?

The Prime Minister: I think that all Members of Parliament want to bring the old, discredited system of expenses to an end and to bring in as quickly as possible a new system for expenses. Sir Christopher Kelly will report next Wednesday, and that report will form the basis of a statement to the House. I then expect that IPSA will be given the power to implement it in detail, but that is a matter for the House and there will be a report to the House next Wednesday.

Q10. [29997] **Stephen Williams** (Bristol, West) (LD): Bristol's economy and environment suffers from poor public transport; we have high bus fares from a monopoly provider and far too few passenger trains on our local rail network. Will the Prime Minister instruct the Secretary of State for Transport to expedite plans for the Greater Bristol area to be given an integrated transport authority, so that service improvements can be brought about?

The Prime Minister: We are investing more in transport than we have ever done. We have not only increased investment in rail transport and moved to the electrification of some lines, but we are investing in bus transport, particularly with the help we are giving to pensioners on concessionary fares. I have not seen the Bristol proposal for an integrated transport system, but obviously I shall examine what the hon. Gentleman says.

Q11. [29998] **Clive Efford** (Eltham) (Lab): We run the risk of being a generation of politicians that did not make the right decisions to tackle one of the biggest issues confronting us, which is climate change, and to minimise its impact on future generations. May I commend my right hon. Friend for the action that he has taken? He has been the first Head of State to recognise the need for leaders of Governments to attend the Copenhagen summit and to take part in those debates. Do not listen to the nay-sayers over there—*[Interruption.]*

Mr. Speaker: Order. I think we have the gist of it.

The Prime Minister: The Opposition get very anxious. They have come out against wind turbines and wind renewables; the shadow Business Secretary said that Britain should not be used for that. They are against nuclear power, which is one of the keys to our having lower carbon in this country. The Conservatives should think again. If they want a consensus on climate change, they will have to change their policy.

Q12. [29999] **Mr. David Heathcoat-Amory** (Wells) (Con): As the Prime Minister knows, this is the international year of astronomy. Does he therefore support the campaign for dark skies, which is good for astronomy and also saves energy? If he does, will he play his part by turning off—or at least dimming—the lights in public buildings, including Downing street, where all the lights are on very late into the night?

The Prime Minister: I thought that the right hon. Gentleman was going to complain about European regulations, because that is normally what he does. All of us have a responsibility to save electricity and all Government Departments and all parts of government should be involved in doing so.

Nimrod Review

12.31 pm

The Secretary of State for Defence (Mr. Bob Ainsworth): I am today publishing the report of the independent review that the then Secretary of State for Defence, my right hon. Friend the Member for Kilmarnock and Loudoun (Des Browne), announced on 4 December 2007 following the loss of Nimrod aircraft XV230 over Afghanistan on 2 September 2006. Fourteen members of the armed forces tragically lost their lives on that day.

The Ministry of Defence must take responsibility for many of the failings identified in the board of inquiry. My predecessor said as much at the Dispatch Box in December 2007, when he announced that we were setting up an independent review under a senior Queen's counsel, Mr. Charles Haddon-Cave, to look into the events that led to the loss. I am grateful to Mr. Haddon-Cave, who has provided a rigorous and powerful report. It will be very distressing reading for many, and particularly for those families who lost their loved ones three years ago.

On behalf of the Ministry of Defence and the Royal Air Force, I would like again to say sorry to all the families who lost loved ones. I am sorry for the mistakes that have been made and that lives have been lost as a result of our failure. Nothing I can say or do will bring these men back, but for their sake, and for the sake of those families, friends and former colleagues who grieve, we can provide clarity about what actually happened, where failings occurred and what must be done to ensure that, as far as possible, this never happens again.

Flying, especially in a military context, is never without risk. We have an obligation to our people to understand and manage those risks and to ensure they are as low as reasonably practicable. The safety of our personnel is of paramount importance and that is why the report is so significant. Mr. Haddon-Cave was asked to review the arrangements for assuring the airworthiness and safe operation of the Nimrod aircraft over its service life, to assess where responsibility lies for any failures, to assess more broadly the process for compiling safety cases, taking into account best practice in the civilian and military world, and to make recommendations. In his report, Mr. Haddon-Cave has been critical of both the MOD and our industrial partners, at both organisational and individual levels. He has stated clearly that the loss of XV230 was preventable.

As he was asked to do, Mr. Haddon-Cave has also made a number of recommendations in his report about what we must do to learn lessons for the future. He has proposed new key principles around which we should base our airworthiness processes—leadership, independence, people and simplicity.

I met Mr. Haddon-Cave this morning and we discussed his report. It identifies numerous weaknesses in the airworthiness system that we will address thoroughly and urgently, but he has confirmed to me that his report does not raise concerns over the actual airworthiness of individual fleets, and I have been assured by the Chief of the Air Staff and the defence chief airworthiness engineer that our fleets remain safe to fly. I have full confidence in our people carrying out airworthiness duties, but we need to ensure that they are supported by an improved process.

Mr. Haddon-Cave also states that, in our pursuit of financial savings, the MOD and the RAF allowed their focus on safety to suffer. We accept this with regard to the Nimrod XV230. As a Department, we have a duty to continue to seek efficiencies in how we deliver defence, but I am absolutely clear that that must not be done with any detriment to safety.

The two officers still serving in the RAF who are strongly criticised in the report have been moved to staff posts that have no responsibility for safety and airworthiness. The RAF will now consider what further action should be taken in relation to these officers, in light of the evidence uncovered by the report. Mr. Haddon-Cave has, quite rightly, made it abundantly clear that he wants the Department to produce a considered response to his report.

We will now examine all aspects of the report, produce a full response and update the House before the Christmas recess. I have set this challenging timetable because I want to ensure that we can act with confidence that the right decisions will be made and that the necessary work will be seen through.

We have not been idle waiting for the outcome of Mr. Haddon-Cave's review. Let me set out briefly what the Ministry has already done in the three years since the loss of Nimrod XV230. We have implemented a comprehensive programme of work to ensure that we can have confidence in the safety and airworthiness of the Nimrod aircraft as it is today. This involves implementing the recommendations of the board of inquiry, and includes ceasing the use of the air-to-air refuelling system, as well as of the aircraft's relevant hot air systems while the aircraft is in flight, and adopting an enhanced aircraft maintenance and systems inspection regime. We do not allow Nimrod aircraft to fly without having had their engine bay hot air ducts replaced, and we have introduced an ageing aircraft systems audit focused on guaranteeing the safety of the Nimrod's systems for the remainder of its service life. This included a forensic-level inspection of a Nimrod aircraft.

We have applied these lessons to other aircraft as necessary, taking steps to examine, review, strengthen and improve the systems for assuring safety and airworthiness. We are aware that the implications stretch more broadly across defence to other items of equipment, and so we have also scrutinised our safety management processes and organisation with great care.

Safety is now given absolute priority at the highest levels in the MOD. It is the first point on the agenda at every senior management team meeting, and this flows down throughout the organisation as a whole. As a demonstration of our commitment to improved safety and airworthiness, we have also established a new senior post, that of the defence chief airworthiness engineer, to provide improved assurance to me that the whole technical airworthiness process, from end to end—that is, from industry through project teams to the front line—is in accordance with the Department's regulations. Mr. Haddon-Cave welcomes this in his report as a step in the right direction. We are working hard to ensure that we capture the lessons from incidents and inquiries to improve our safety. As an organisation, the MOD is changing its culture and approach to put safety first.

All these measures ensure that we can continue to fly the Nimrod safely and that it can continue to conduct its essential work in the remaining months of its service

[Mr. Bob Ainsworth]

life. Mr. Haddon-Cave undertook at the outset of his review to issue an urgent interim report outlining his concerns, if he found evidence that the Nimrod fleet was not safe to fly. As he says in his report, he has not found it necessary to do so. He states in his report

"that appropriate and timely steps have been, and continue to be, taken by the MOD and the RAF to address the immediate airworthiness issues raised by the loss of XV230 and the BOI report and subsequent discoveries about the Nimrod fleet. Indeed, the level of scrutiny now applied to the Nimrod fleet is such that it is probably one of the most closely monitored operational military aircraft fleets in the world."

The report is a tough read. Its subtitle—"A Failure of Leadership, Culture and Priorities"—is a stark judgment. We are determined to address this and the clear message in the report that we have to do more. I pay tribute, as does Mr. Haddon-Cave in his report, to the Nimrod communities, whom I commend for their skill and professionalism. The Nimrod continues to have an important role in the defence of this country, and the current fleets are, on current plans, very shortly to be replaced by new aircraft.

Our armed forces are truly the best in the world, and we are committed to providing them with all the support that they need, including learning the lessons and making the changes for the better if tragedies occur. Let me say again that the safety of our personnel is of paramount importance. In the case of Nimrod XV230, we failed. We cannot undo this. Nothing will bring back those 14 men, and for their grieving families, the loss will be with them for ever. I will do everything in my power to guard against anything like this happening again. I am today placing a copy of Mr. Haddon-Cave's report in the Library of the House.

Dr. Liam Fox (Woodspring) (Con): For the families of those whose lives were lost, today will bring back painful memories and reawaken emotions of grief and anger. Our thoughts are with all those families today.

The House owes a great debt to Charles Haddon-Cave for the report. It is a formidable indictment and describes multiple and repeated systemic failures. It is genuinely shocking. Its most damning central conclusion is that there were previous incidents and warning signs that were ignored, and that the loss of the aircraft was avoidable.

The criticism of the Nimrod safety case is excoriating. The report says that it

"was a lamentable job from start to finish. It was riddled with errors. It missed the key dangers. Its production is a story of incompetence, complacency, and cynicism."

How will oversight of such projects occur in future?

The report is critical of the Nimrod integrated project team, and of QinetiQ and BAE, including specific individuals. How will these be dealt with, and how can we ensure that technical guarantees given to Ministers in the future by these and other companies can be relied upon and independently verified?

The Government as a whole must bear responsibility for the way in which the MOD has been treated under the pressure of the Iraq and Afghanistan conflicts. As the report says:

"Financial pressures and cuts drove a cascade of multifarious organisational changes, which led to a dilution of the airworthiness regime and culture within the MOD, and distraction from safety and airworthiness issues as the top priority."

Ministers themselves must address their failure of stewardship at the MOD. The report says:

"The shortcomings in the current airworthiness system in the MOD are manifold and include…a failure to adhere to basic Principles…a Military Airworthiness System that is not fit for purpose…a Safety Case regime which is ineffective and wasteful…an inadequate appreciation of the needs of Aged Aircraft…a series of weaknesses in the area of Personnel…an unsatisfactory relationship between the MOD and industry…an unacceptable Procurement process leading to serial delays and cost-overruns; and …a Safety Culture that has allowed 'business' to eclipse Airworthiness."

This report must act as a wake-up call for us all—for politicians, for industry and for the military. Cutting corners costs lives. Wars cannot be fought on a peacetime budget, and there is a moral imperative that those who are willing to risk their lives in the armed service of their country should know at all times that everything is being done to maximise the chance of success of their mission and to minimise their risk in carrying it out. The failure to do this resulted in the death of 14 servicemen—the avoidable and preventable death of 14 servicemen. The report concludes:

"In my view"—

the aircraft—

"was lost because of a systemic breach of the Military Covenant brought about by significant failures on the part of all those involved."

There could not be a more damning charge list.

Mr. Ainsworth: I do not retreat from many of the comments made by the hon. Gentleman. Mr. Haddon-Cave asks us to implement an entire new airworthiness system and to address further the culture that he sees as the basic problem within the MOD and in parts of the armed forces. The only thing that I can say in mitigation is that that has been recognised, and recognised some time ago, and that a lot of work has been done throughout the time that I have been a Minister at the MOD to try to put those systems in the right place. Having looked at Mr. Haddon-Cave's report, we have to make absolutely certain that we are going to the lengths that we need to to make certain that we recalibrate that culture within the Department. I am not sure whether we have got there yet, so there is more that we have to do.

I agree with the hon. Gentleman that this is a wake-up call, probably for far wider than just defence. The pursuit of efficiency is something that every organisation must do—public sector, private sector, Government and the rest. But sometimes organisations lose sight of some of the basic fundamentals as they try to drive in those efficiencies. We need to consider matters in detail, and we need to use the report as a tool to get the change that is absolutely necessary within the MOD. There were glaring dangers apparent in the aircraft for decades, and there were opportunities to spot those dangers, which were simply missed. My predecessor, my right hon. Friend the Member for Kilmarnock and Loudoun, apologised to the House for that. We knew that that was so at the time of the board of inquiry, and we need to repeat it and to have some due modesty about the situation that we find.

Nick Harvey (North Devon) (LD): I thank the Secretary of State for his necessarily very sombre statement to the House this morning. This is a tragic case of an accident that could have been avoided. The 40-year history of Nimrod has, as the Secretary of State just acknowledged, been very difficult. Many critics of procurement in the

MOD have their own candidates as to which has been the most bungled procurement. The distinction of Nimrod is that it has culminated in the tragedy of unnecessary deaths, and today's report will certainly reawaken the sense of grief in the families and communities involved.

I welcome the candour of the Secretary of State's admission of fault by the Government, and I welcome his saying that the MOD is changing its culture and approach to put safety first, but I regret that he had to acknowledge that that is necessary and was not always the case in the past.

This has not been a good few weeks for the Government, with Bernard Gray's report last week indicating a culture of poor process, indecision and mismanagement, and we must all hope that lessons are learned. The case under discussion has been one of wake-up calls from previous incidents not being heeded. The report in 1998 gave warnings that were not taken on board by those managing the project, and, as today's report says, that was the

"best opportunity to prevent the accident",

and it "was, tragically, lost".

The report is also damning of industry, which it accuses of "incompetence, complacency and cynicism." There is always a danger with flying military aircraft, but some of those issues were unnecessary and avoidable, and the lives of personnel have been lost. BAE Systems, as our biggest defence contractor, finds itself on the wrong end of some scathing words. Its involvement in the Nimrod safety case was

"poorly planned, poorly managed and poorly executed, work was rushed and corners were cut."

In addition to the errors in industry and in the MOD, Mr. Haddon-Cave refers in the report to "organisational trauma" in the MOD between 1998 and 2006 as a result of the 1998 strategic defence review. I hope very much that Ministers will dwell upon that and ensure that the forthcoming strategic defence review avoids any similar aftermath. Where will Nimrod feature in the new review? Can we please be assured that all the lessons of this appalling story will be learned for the future?

Mr. Ainsworth: I do not disagree, again, with many of the hon. Gentleman's comments. We are not unaware of the weaknesses in the procurement system. We commissioned Bernard Gray's report in the first place and we published it last week—I think that it was only last week—to help us to address those issues. Mr. Haddon-Cave, in his report, refers to procurement as part of the cause of the problem, and we need to make absolutely certain that we learn the right lessons, not the wrong lessons.

In the Nimrod saga, there has often been a focus on the safety of the aircraft itself and whether it should be grounded. Charles Haddon-Cave focuses on the systems themselves, and that is where the focus needs to be. There were systems that simply did not fit the purpose for which they were designed, and, instead of being distracted by other issues, that is where we must focus our attention and that is what we must put right. As the hon. Gentleman has said, safety cases have become completely distorted to the point where they simply are not—or were not, in this case—value for money or of any benefit at all. Putting those systems right has to be our overriding priority.

Mr. Brian Jenkins (Tamworth) (Lab): I welcome my right hon. Friend's attitude with regard to the statement. There was humility, and he said, "Sorry, we admit we got it wrong and we are going to put it right." I await with interest the Government's response to the report. He said that Nimrod issues were missed over the years, but will he change that to "ignored" over a number of years?

Mr. Ainsworth: The report makes grim reading. Glaring dangers with the Nimrod aircraft existed for decades and were not recognised for decades. The safety casework was, as Mr. Haddon-Cave says, far and away the best opportunity to identify those dangers that were so clear to see, but it was missed. Despite great expertise and expense, the dangers were simply not identified, proving that the system was totally and utterly inadequate for the job.

Mr. James Arbuthnot (North-East Hampshire) (Con): As I listened to the Secretary of State's words and read about the tick-box culture, I thought that he was genuinely sorry. However, I thought that he and, perhaps, all of us have no understanding of the massive job that we face in changing the culture not just of the Ministry of Defence, but of the country. In that respect, I was very pleased to see the Leader of the Opposition in his place, listening to the Secretary of State's statement. However, if we are to change the culture, let us start here. The strength of this crushing report is that it was rigorously independent. But the Secretary of State has yet to accept the key recommendation of Bernard Gray's review of acquisition—that the assessment of the equipment programme should be similarly rigorously independent. Why not; and, will the Secretary of State please do so?

Mr. Ainsworth: I recognise that the lessons that we could learn from this episode are absolutely profound in terms of defence, and we have to try to learn them. However, they go far wider than defence. How do we get right in our modern world the balance between the pursuit of efficiency, which everybody wants us to pursue because nobody wants to pay more than they absolutely have to for equipment or capability, and making certain that we do not compromise safety in any way? We really have got to put in place systems that properly calibrate those priorities.

On Bernard Gray's report, the one significant recommendation that I do not accept is that we will improve procurement by placing defence equipment and supply with a contractor-run organisation. We can and must do that by other means, and we have to have military knowledge properly plugged into our procurement processes. That recommendation would not be an aid to procurement; it would be a detriment.

Frank Cook (Stockton, North) (Lab): I commend my right hon. Friend on the manner in which he registered the Government's contrition for the events that have taken place, but I refer him to the assurance that he received from the Chief of the Air Staff and the defence chief airworthiness engineer that our fleets remain safe to fly. Had my right hon. Friend asked for such an assurance on 2 September 2006, would he not have received the same assurance? He says that he has full confidence in the people who carry out airworthiness duties, but how confident can the House be? Will he give an assurance now that no incident in the future will occur due to any fiscal shortfall?

Mr. Ainsworth: If my hon. Friend manages to read the report, which is very lengthy and detailed, he will see that it contains words that could be read as indicating that Mr. Haddon-Cave himself feels that not only the Nimrod fleet, but some of our other aircraft fleets are not safe to fly today. The reason why I met Mr. Haddon-Cave this morning was to make absolutely certain that I understood what he was saying in his report—I thought that I did on my overnight reading of it, and he confirmed that this morning. It is not only the Chief of the Air Staff and the individual in the new position of defence chief airworthiness safety engineer who are telling me that the fleet is safe, but Mr. Haddon-Cave. Mr. Haddon-Cave says that, on Nimrod, he had been invited to make an interim report, if he felt that one was necessary, because of airworthiness considerations. He has not made that report. He assured me this morning that his report should not be read as saying that our current fleet or fleets are not safe as they fly today.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): May I say to the Secretary of State that I accept that he is deeply distressed by the report and will do his best to implement the recommendations? May I also say that many of us fear that the long-standing disregard for safety, arising out of a concern for savings, may extend right across the MOD budget—for example, into the military budget, including armoured vehicles and the historical lack of body protection; the Navy, perhaps, with its submarines; and the RAF, with the Nimrod and, I fear, the Puma? Given all that, will he accept that the situation requires a change of culture at the highest level of the services, probably involving direct intervention from Ministers?

Mr. Ainsworth: Yes, I do. I accept that savings were a part of the problem—I do not demur from that at all—but I do not think that the pursuit of savings alone is the cause of the problem. It is therefore necessary to drive through culture change. We have been trying to do that, as I hope that the right hon. and learned Gentleman will accept. We have learned the lessons not only from Nimrod but from the deaths on the Tireless submarine a couple of years ago. We have tried to learn the lessons of our own boards of inquiry in trying to drive in the management and cultural change that is needed in the armed forces as well as in the MOD.

Angus Robertson (Moray) (SNP): I welcome this hard-hitting and detailed report, as will my constituents, who wish all the best for everybody at RAF Kinloss and the families of the 14 brave service personnel who died aboard the Nimrod XV230. We have had an independent inquiry and inquests, we have had reviews, we have had numerous reports, and we have had analysis about Nimrod. At every stage, Ministers have given assurances that the right lessons would be learned and acted on. Clearly, they were not—so why should we have confidence in the assurances that we have heard today?

Mr. Ainsworth: We commissioned the report because we knew that assurances were necessary given the findings of the board of inquiry—not through any fault of its own, but because the terms of reference of boards of inquiry mean that they do not consider the wider background and apportioning blame but the direct causes of the accident. There was an absolute necessity to commission this piece of work because it was obvious that some of the reasons for the crash went beyond the remit of the board of inquiry. I hope that we are able to reassure the hon. Gentleman and his constituents—many of the lost lived in his constituency—that we take this matter very seriously and are determined to drive in the change that is necessary. When I meet the families of service personnel who have lost their lives in very many circumstances, I find that their overriding desire is to know that their loved one did not lose their life in vain and that we genuinely learn the lessons of the loss that they have suffered; and that is what we must try to do.

Mr. Gordon Prentice (Pendle) (Lab): When will the Nimrods be phased out of service?

Mr. Ainsworth: The Mk 2 Nimrod is nearing the end of its service life. Indeed, part of the report exposes the fact that we have extended its out-of-service date repeatedly because of delays in the supply of a replacement. On current plans, the MR2 has only a few more months of service life left. However, I remind my hon. Friend that we also have the Nimrod R1, which is conducting vital operations in Afghanistan.

Mr. Hugo Swire (East Devon) (Con): The MOD is very often—continually, it seems—criticised for its inability to provide the right equipment at the right place. Surely we can expect that when equipment is provided it is at least safe and airworthy. There are two stark facts in this report. First, Mr. Haddon-Cave refers again to the pursuit of financial savings and taking eyes off the safety ball; and secondly, he is very critical of our industrial partners. We heard what the Secretary of State said about the internal review that he is going to conduct within the MOD. What ultimate sanctions can be taken as regards our industrial partners, and how can they be called to account?

Mr. Ainsworth: This is a very detailed report with some pretty far-reaching criticisms, not only of us but of others—individuals and companies, including important British companies. I therefore do not want to leap to conclusions about how we take these matters forward. I have promised to look in detail at every aspect of the report and to come back to the House before Christmas, and I will do that.

Anne Main (St. Albans) (Con): I welcome the Secretary of State's saying that he is going to learn from Army boards of inquiry, because, as he knows, a second Army board of inquiry is due on my late constituent, Captain James Philippson.

I was pleased to hear that the Secretary of State is aware of the financial implications stretching more broadly across other items of defence equipment. Will he take that down to the lowest common denominator—namely, not just equipment that is out there and may not be functioning correctly, but the absence of equipment that should be there?

Mr. Ainsworth: In the case of the hon. Lady's constituent, she knows that we are awaiting a second Army board of inquiry. Her constituent was not at all happy with the outcome of the first Army board of inquiry, and I would not like to prejudge any findings that the second board of inquiry comes to.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): The parents of one of the dead crew members live in my constituency. They find it almost impossible to get closure on the situation because of the time that it has taken to come up with these reports. Will the Secretary of State build into the MOD ethos the fact that the speed with which people need to know what happened is paramount? These parents and families need to know, as quickly as possible, the reason that their child, or whatever, died. Could we please have some form of timetable after a disaster for when the information comes back to this House?

Mr. Ainsworth: I accept that the hon. Gentleman is genuine about the point that he makes. This was a big issue with me when I first became Minister for the Armed Forces over two years ago. These things go on for such a length of time that people cannot possibly get closure. However, I have come to accept that one cannot impose arbitrary timetables in such cases. The board of inquiry in this case took more than a year, which was very frustrating. We then had the inquests, and we then commissioned the Haddon-Cave review. We must be mindful, all the time, that there are grieving people suffering as a result of the process. However, when I talk to them they say that their first demand is thoroughness. Yes, they want speed, and yes, they want closure, but they do not want short cuts. We therefore cannot impose an artificial time line on these things.

Sir Nicholas Winterton (Macclesfield) (Con): The Nimrod aircraft was built at BAE Systems at Woodford; part of the site lies in my constituency. I welcome the Secretary of State's statement and his assurance that all the recommendations will be implemented, as the crash was an absolute tragedy. However, will he not stand up for this wonderful aircraft that has done a magnificent job over the years? The R1 is still performing a brilliant role. Will he tell me, and all the work force still at BAE Systems at Woodford, that following this tragic accident, which I deeply regret—my condolences go out to the families of all those who were killed—the Nimrod will not be prejudiced in future purchases by the Ministry of Defence?

Mr. Ainsworth: Mr. Haddon-Cave pays glowing tributes to all those who were associated with the Nimrod, and rightly so. The overwhelming thrust of his report—I have not managed to read every single page and every detail overnight—is not an attack on the aircraft itself in any way: it is an attack on the systems that have effectively let our people down.

Richard Younger-Ross (Teignbridge) (LD): I thank the Secretary of State for the content and tone of his statement. He says that lessons have been learned and that there is still more to be done. As part of that process, will he look at the procurement programmes that he has already announced, such as the Puma extended life programme? That programme was much criticised by the Defence Committee, and there are modern alternatives that may prove to be better value and cheaper in the long run.

Mr. Ainsworth: We must look at our procurement processes. The purpose of commissioning and delivering the Gray report was, in effect, to force us to do that. We will bring forward proposals for acquisition reform as part of the Green Paper process that the hon. Gentleman's party and the Conservative party are co-operating with, and I hope that we will bring forward some work early in the new year. However, I do not want to get distracted into individual programmes and decisions that people may or may not agree with. This is a far bigger problem than that, and it needs to be considered at a comprehensive and strategic level.

Dr. William McCrea (South Antrim) (DUP): I join the Secretary of State in expressing the sympathy of my right hon. and hon. Friends to the grieving families of the 14 servicemen who tragically lost their lives. I commend the Secretary of State on the manner in which he made his statement and the humility with which he has accepted the report. Can he guarantee that the failings that have been outlined will be corrected, and that a time scale will be given for when those corrections will be made?

Mr. Ainsworth: There are many people in the MOD who, over the period I have been there, have been absolutely bent towards trying to ensure that we learn all the lessons that we need to learn to put safety in place. Nimrod has been a big part of that lessons learned process. There is a desire to do that, but are we at the right place? No, we are not. We have not yet achieved the culture change that needs to take place, but there is a huge desire to do so and I want to ensure that I encourage that and drive it through so that we get to where we need to be.

Bob Spink (Castle Point) (Ind): Three companies of my local Royal Anglian Regiment went to Afghanistan last week. They will welcome the Secretary of State's gracious words, but there are of course implications for them in the report. Will he seek to ensure that the replacement aircraft that comes in soon will be able to operate from a base much nearer its operational zone? That may help to reduce risk.

Mr. Ainsworth: I am not aware of the basing considerations that the hon. Gentleman raises, but I am more than happy to talk to him and listen to any representations that he has. Ensuring that we have sufficient surveillance for operations in Afghanistan is a vital part of keeping our people safe there. That surveillance is provided not only by Nimrod but by many other platforms, and we must ensure that we do all that we can to maintain the overall capability in the best possible shape that we can.

Points of Order

1.12 pm

Mrs. Caroline Spelman (Meriden) (Con): On a point of order, Mr. Speaker, I would like to make clear my displeasure at the fact that a written ministerial statement pertaining to today's debate has in fact not been released. The Government have announced publication of the responses to the consultation on local spending reports, but I find it curious, to put it generously, that the statement is being published on the day of the debate. I find it incredible that Members were not given the courtesy of seeing the statement, and that it is still not available in the Library of the House as late as 12 minutes past 1. Not only is that a grave discourtesy to Members of all parties, who have worked together in a non-partisan way on the issue of local spending reports, but it makes a mockery of the Chamber being used in any meaningful form.

I believe that there was a similar incident the Thursday before last, Mr. Speaker, when you described it as a grave discourtesy to Members that a statement was made available only one hour before a debate. I should like to know what your view is of the fact that the statement pertaining to today's debate has not yet been made available.

Mr. Speaker: I am grateful to the hon. Lady for her point of order and for giving me advance notice of it. My view is straightforward: I regard the situation as extremely unsatisfactory. A statement of that kind ought to be delivered in a timely way. If it has not been, we need to know why and the matter needs to be put right. Above all, I hope that there will not be a repetition. It is a discourtesy to Members of the House.

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Speaker. I address this point to you in your capacity as custodian of the interests of those who work in the Westminster village. You will be aware of the speculation surrounding the leaking of Sir Christopher Kelly's report and the impact that that is having upon a lot of individuals who work for MPs or are members of MPs' families. I do not believe that it is tolerable that that speculation should be allowed to continue until next Wednesday.

It is well known that the report has been completed and is at the printers at the moment. I wonder whether it is within your power, Mr. Speaker, to order that the report should be published as soon as possible so that the speculation can be ended and we can answer questions from our staff based upon the facts in the report rather than speculation.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. It is not a parliamentary report that is being produced, and although I note that he either thinks that it is within my power to do as he asks or wishes to extend my power to ensure that it is, the present situation is that it is not. The report is due to be delivered to the Government by 4 November and published on that date.

I have heard the very serious point about the leakage that has taken place, and I say to the hon. Gentleman, who is an immensely experienced and perspicacious parliamentarian, that if he wants to address his concern to representatives of the Government, business questions might be a suitable opportunity for him to do so. I have a hunch that he will probably be there.

Rentcharges (Notification)

Motion for leave to introduce a Bill (Standing Order No. 23)

1.15 pm

Andrew Gwynne (Denton and Reddish) (Lab): I beg to move,

That leave be given to bring in a Bill to require rentcharge companies to notify annually residents subject to chief rent of their statutory right to redeem their charge under the Rentcharges Act 1977; and for connected purposes.

I am pleased to have been given this opportunity to bring to the attention of the House a specific problem affecting properties in my constituency and a small number of others, and to provide a practical and, for the Government, cost-free method of resolving a long-standing problem. In short, I wish the existing law to be amended to allow for a tightening up of the regulations regarding chief rent charges and to prevent some of the bad practices that rentcharge companies have used on my constituents in recent years.

I first raised the issue of rentcharges in my maiden speech, and since then I have been contacted by a large number of local residents who have been caught up in various chief rent scams and have quite frankly been conned out of money, often hundreds of pounds, by estate management companies. Greater Manchester is one of only a handful of areas in the country where chief rents were legally established. Chief rent is a perpetual charge, a form of ground rent that is charged on freehold properties by a previous landowner. It affects properties only in small parts of the country including parts of Greater Manchester such as Tameside and Stockport in my constituency.

As with any charge, the resident is billed by the property company each year to pay the chief rent. It is often a very small sum of a few pounds a year, and because the charge remains at the level at which it was originally set in the deeds, it is of diminishing value in real terms to the rentcharge companies as time goes by.

Under the provisions of the Rentcharges Act 1977, the freeholder can unburden themselves of any annual rentcharge created before 22 August 1977 by applying to make a lump sum payment through the relevant Government office. In the case of my constituents, that is the Government office for the north-west. The Act provides a formula that enables the Government office to calculate the redemption figure that the rent payer has to pay the rent owner in order to redeem their rentcharge. That figure comes out at roughly 14 times the annual chief rent.

When the transaction has been completed, the Government office, on behalf of the Secretary of State, issues a redemption certificate to the rent payer. That provision was secured by intensive campaigning in the 1970s by a number of MPs, including my predecessor but one Ken Marks, who was the Member for Manchester, Gorton, in the days when much of my constituency was in that one. He also successfully campaigned to ensure that no new chief rents could be created after 1977 and that any rentcharges still in existence by 2037 would be automatically extinguished. However, those laudable changes unfortunately created some new challenges, as I will briefly explain to the House.

For all the time that I have been an elected representative, first as a councillor on Tameside metropolitan borough council and since 2005 as an MP, I have been contacted by many local constituents who have been subject to various underhand tactics by unscrupulous management companies. In the past, I have launched campaigns to warn residents throughout Tameside and Stockport about various chief rent scams. In the most recent scam, letters were sent out by property companies to local residents, offering a "cut-price reduction" for home owners to buy out their chief rent. One area where they targeted householders was the Dane Bank area of Denton, where the chief rents were set in the 1930s, generally at around £2 to £5 a year, depending on the size of the landholding. Had residents been made aware of the 1977 Government scheme, the average cost of buying out the rent would have been between £30 and £60 in total. The property company's offer was for people to pay around £350 but, in a twist, there was a "special offer" whereby that was reduced to £250 for a limited period. In essence, people were being fleeced for hundreds of pounds by those property companies.

There are other examples of such practices. Companies sent out property surveys to see what improvements residents had made to their homes. When people filled out the details, they were hit with excessive charges for making alterations without having the rentcharge company's permission to do so, despite being freeholders. Such administration and penalty charges can also run into hundreds of pounds.

It appears that that tactic is being used only on properties on which it is not now economically viable to collect the charge annually, so the companies are looking for other methods for raising income from the rentcharge. For years, rentcharge companies have been trying it on with residents, attempting to fleece them for as much money as they can, especially as the value of the rentcharge is worth less and less as time goes by. Frankly, it is outrageous that the companies can charge people for occupying land that, as freeholders, they own outright anyway. It is nothing short of a throwback to feudal times.

Until the rentcharges are extinguished in 2037, I want to ensure that my constituents are made fully aware of their rights to buy the rent out using the existing Government scheme. I would hate for even more local people, particularly vulnerable groups, to pay over the odds. That is why I am presenting this Bill.

My concern is that some residents who are unaware of the provisions in the 1977 Act will think that the £250 offer and the like are a good deal. I want to make local residents in Denton and Reddish, and elsewhere, aware that they can purchase their chief rent for a lot less money by filling in an application form and sending it to their Government office. That can be achieved very simply and at no cost by legally obliging all property companies to automatically notify residents of their rights under the 1977 Act to buy out their chief rent, in plain English and in a prominent way, when they send out demands for the charge each year.

Back in 1977 when the Rentcharges Act was being debated, probably nobody anticipated how rentcharges would be abused. The small changes proposed in my Bill will ensure that people are correctly notified about their existing statutory right to purchase and buy out chief rents, and most importantly, give them the absolute confidence that they are doing so at the correct price.

Question put and agreed to.

Ordered.

That David Heyes, Ann Coffey, James Purnell, Sir Gerald Kaufman, Tony Lloyd, Graham Stringer, Mr. Graham Brady, Mark Hunter, Andrew Stunell, Mr. John Leech, Jim Dobbin and Andrew Gwynne present the Bill.

Andrew Gwynne accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 30 October and to be printed (Bill 154).

The Secretary of State for Communities and Local Government (Mr. John Denham): On a point of order, Mr. Speaker. I came in very slightly too late to hear the gist of an earlier point of order made by the hon. Member for Meriden (Mrs. Spelman), but I gather that the document the Government have published today, which is referred to in our amendment, is not in the House of Commons Library and that it may not have been provided to the hon. Lady and other Opposition spokespersons. I deeply apologise for that. I personally attach great importance to the matter. I will endeavour to find out what went wrong, but for now, I give my apologies to you, Mr. Speaker, and to the House.

Mr. Speaker: I am grateful to the right hon. Gentleman for his point of order and I know that what he has said will be appreciated by the House.

Opposition Day

[20TH ALLOTTED DAY]

Local Spending Reports

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

1.25 pm

Mrs. Caroline Spelman (Meriden) (Con): I beg to move,

That this House welcomes the provisions of the Sustainable Communities Act 2007 requiring the publication of local spending reports; believes that people have a right to know how their money is spent by public bodies; especially welcomes the assurances given by the then Minister for Local Government, the hon. Member for Oldham East and Saddleworth, that the local spending reports would include all public agencies; further welcomes the Minister's assurance that the purpose was to achieve a report that identified how much would be spent in each area by the authorities; is therefore very concerned by the limited information available in the local spending reports produced by the Department for Communities and Local Government; believes them to be a contravention of the expressed assurances of the Minister; and calls for proper local spending reports to be published, which will give effect to those assurances.

Obviously, I appreciate the Secretary of State's apology for the non-availability of the written ministerial statement to hon. Members. However, I am sure that hon. Members share with me just a touch of incredulity that the consultation report is being produced on the very day of the Opposition day debate. That we do not have access to the information will obviously have an impact on the quality of the debate. It is right to record that. We accept the apology, but the impact remains.

I shall proceed by setting out why we feel it is so important to revisit the issue of local spending reports and then spend some time looking at the implications of the Government's failure to implement local spending reports as they were originally conceived in the Sustainable Communities Act 2007. In conclusion, I will look at how the policy should be implemented and at how, as elected representatives, we should go further and faster in responding to the public appetite for transparency and efficiency.

All hon. Members will be familiar with the history of the 2007 Act as many of us took part in its passage. As a Bill, it enjoyed genuine cross-party support and it would be remiss of me not to pay tribute to colleagues on both sides of the House, particularly my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), whose private Member's Bill was responsible for the 2007 Act and who will wind-up the debate, and the hon. Members for Falmouth and Camborne (Julia Goldsworthy) and for Stroud (Mr. Drew), for all their hard work in getting this important piece of legislation on to the statute book.

Of themselves, those tributes emphasise the cross-party nature of the support for local spending reports. It is also fitting to record our thanks to the tireless efforts of Local Works, which has done so much to drive support for the 2007 Act. I am sure that hon. Members on both sides of the House will have received letters and e-mails from their constituents expressing strong support for the legislation.

Hon. Members will have noticed that the wording of today's motion is based on that of early-day motion 1064, tabled by the hon. Member for Stroud. That early-day motion, like the original Bill, drew widespread cross-party support—254 signatures in total. In that spirit of cross-party working, let me say to Liberal Democrat colleagues how helpful it is for the debate that they have become co-signatories of today's motion. I, for one, hope that that bodes for a constructive and conciliatory debate—an example of the new politics that people want to see.

To my mind, the reason why the Sustainable Communities Bill enjoyed so much support—not just in this House, but among the public—was that it was seen as a way of delivering a clear, tangible change in the balance of power between communities and their elected representatives. It was seen as a way of giving the people the tools with which they can better shape the communities where they live. Measures that could help to reverse the pattern of the development of ghost towns or to reduce local carbon emissions were seen to be strong moves in the right direction, and as a way to empower communities and give people more say over what happened in their locality.

However, arguably, the centrepiece of the 2007 Act is section 6, which is on local spending reports, and I shall focus for a moment on why the spending reports are so significant. On the one hand, it is a matter of transparency and accountability, but on the other, getting a clear understanding about where money is being spent is the key to getting better use of financial resources. If local strategic partnerships, which we all support, are really to deliver, they need the information that would have been provided in the local spending reports and must be able to get their arms around the totality of local spending.

Mr. Oliver Letwin (West Dorset) (Con): Does my hon. Friend agree that it is remarkable that in the case of Cumbria, the Local Government Association—presumably in collaboration with the Department—has managed to publish all of the relevant information, non-departmental public body by non-departmental public body and Department by Department? Does she agree that it is therefore likely that this information might already exist on the COINS—combined online information system—database and other Government databases?

Mrs. Spelman: I thank my right hon. Friend for that helpful information. Residents in Cumbria have access to the sort of information that we would all like to have. His intervention shows that providing such information is perfectly possible.

The information is the bedrock for finding out where there is duplication, where spending can be pooled or better aligned to optimise efficiency, and where funds can be reinvested or redirected for a better outcome. These reports are integral to ensuring that we get more for the money spent. In this time of recession, the imperative for that has never been stronger. On that basis, it is no surprise that early-day motion 1064 attracted such support.

Local spending reports are fairly innocuous in name, but hugely significant in nature. As colleagues will know, they were the key to unlocking the level of departmental spending in local areas. The clause provided for all public authorities to insist on local spending being publicised so that people could see where their hard-earned money was going, and if they wished, challenge it. Indeed, this was a clause lauded by Ministers at the time.

The former Secretary of State, the right hon. Member for Salford (Hazel Blears), said:

"Less of Whitehall calling the shots and more of men and women everywhere working with their council to set the agenda".

The former Minister, now Minister for Borders and Immigration, said:

"The fundamental point of the reports would obviously be to aid transparency and accountability, but I believe that they would also have the beneficial effect of prompting serious debate in local areas".—[*Official Report, Sustainable Communities Public Bill Committee*, 2 May 2007; c. 47.]

Against that backdrop, people rightly had high expectations of the Bill.

Age Concern and Help the Aged have publicly observed:

"A breakdown of all public spending would ultimately be of great benefit to older people, particularly with regards to transparency about spending on things like benefits and public services in local areas."

The National Federation of Women's Institutes has said:

"We urge the Government to deliver on their promise to publish the full local spending reports which are so vital to the Sustainable Communities Act. Local communities can only effectively use their right to have a say in their local services if they know how the money which was raised from their taxes is being spent."

The National Council for Voluntary Organisations said:

"The voluntary sector fully supports the need for local spending reports as a breakdown of all public spending by local authority areas. This information would not only be valuable to voluntary organisations everywhere, it would also encourage more people to get involved in the Sustainable Community Act's exciting new processes."

There are other endorsements from third-party organisations of the need for local spending reports.

As a result, it may cause some consternation that colleagues find themselves having to use valuable parliamentary time today debating why the Government have watered down the scope of these vital local spending reports. In the consultation paper on spending reports, Ministers released details of a critical change so that the reports would now apply only to local authority spending and primary care trusts. To a large extent, that information is already available, but more significant than what the 2007 Act covers is what it does not cover. It is worth taking a moment to list those organisations missing from the current proposals for local spending reports. They include the Environment Agency; Natural England; Jobcentre Plus; the Health and Safety Executive; local probation boards; probation trusts; NHS foundation trusts; regional development agencies; the Learning and Skills Council; national health service trusts; Sport England; English Heritage; the Arts Council; the Museums, Libraries and Archives Council; the Highways Agency; and the Homes and Communities Agency.

Mr. Letwin: Would it interest my hon. Friend to know that details for all the bodies that she has just listed are published in the case of Cumbria, making it slightly odd that they will not be published for the rest of the country?

Mrs. Spelman: Once again, my right hon. Friend's observation about Cumbria shows that it is perfectly possible to provide such information for every area. The question is why that is not happening.

This huge chunk of public spending, which is channelled through non-departmental public bodies, including RDAs, has been granted an exemption. So what started out as a means of shining a light on the way that public money is spent seems to have ended up as more of a dull fog concealing the truth. I am sure all hon. Members will share my concern that many supporters of the Bill will see that as a fundamental breach of trust. They will know from their constituencies that when Local Works campaigners held public meetings and signed up supporters, this halfway house is not what they had in mind, and the practical working of this compromised position has set back what pioneers of the Bill sought to achieve. It makes a nonsense of the time spent debating the Bill, with so much work put in by hon. Members, only to end up with such a large proportion of public spending being exempted. In essence, that fatally undermines the power that people have to scrutinise and challenge where their money is being spent.

In my constituency, I am astonished that we are not able to find out where and when public money is being spent by our RDA. What I can ascertain is that significantly less public money is awarded to Advantage West Midlands than to One NorthEast—approximately half, to be precise. The figure is £55 per head in the west midlands, as opposed to £96 per head in the north-east for 2008-11. That will seem very strange to people in my area, which is so badly affected by the recession.

The Secretary of State for Communities and Local Government (Mr. John Denham): The hon. Lady is obviously not speaking as a constituency MP but as her party's representative on these matters. May we take what you have just said as a clear indication that you would change the allocation of resources to RDAs on the lines that you have suggested? That would be very important news to many people—

Mr. Deputy Speaker (Sir Michael Lord): Order. The Secretary of State is very experienced and he knows that he must use the correct parliamentary language.

Mrs. Spelman: I am sure that you would not want to have to answer such a disingenuous question, Mr. Deputy Speaker. Given that the Government are already in bad odour in the Chamber for failing to produce a document pertinent to today's debate, attempting an intervention that is just point-scoring party politics is not a good start by a comparatively new Secretary of State.

The important point is that we want to know where the money is going. I cannot cross-reference how spending in the north-east compares with spending in the west midlands, but our constituents might reasonably expect us to be able to do so. Constituents in Cumbria are fortunate to have the opportunity to do so, but it is not generally available. Does the Secretary of State understand how infuriating it is to be kept in the dark over exactly where the money is going, and in what sort of quantity? It is not only infuriating, but disempowering for elected representatives and the communities that they serve.

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): The hon. Lady makes several points about the spending of RDAs. Why is her party failing to participate in the Regional Select Committees, which could look in detail at those very issues?

Mrs. Spelman: Most hon. Members find it an extraordinary afterthought that, so late in this Parliament, the Government have realised that there might be a problem with lack of accountability in the regional structures that they have tried to create. All of us understand that there is something fundamentally wrong with the regional structures that the Government have set up. My party would seek to solve that by returning powers to local government, where there is democratic accountability.

At a time of recession, when households are having to account for every penny carefully, and our national debt is forecast to grow by £240 billion a year, it is all the more poignant that people cannot see where their money is going. Insulating quangos from public scrutiny will serve only to strengthen people's suspicion and distrust of quangos. They are seen as mandated by Whitehall to take the decisions that Ministers do not want their fingerprints on, and the bodies which spend taxpayers' money are free from interrogation.

In recent years, the quango machinery has accelerated. In 2007, spending on non-departmental public bodies rose from £37 billion to £43 billion. That information comes from the Cabinet Office. There are now 1,152 quangos in the UK employing more than 500,000 people. The TaxPayers Alliance estimates that every year £90 billion of taxpayers' money is spent by unelected quangos—equivalent to more than £3,500 for every household. The fact that the best that we can obtain is an estimate is telling in itself. Surely, we should all be entitled to know exactly how much money is being spent. My sense is that, if anything, £90 billion is probably on the low side.

Under the current regime, the figure will certainly be escalating. Let us take two examples with which the Secretary of State will be dealing. The Infrastructure Planning Commission is forecast to cost £10 million a year and will take the most controversial planning decisions out of the hands of elected representatives, but despite the scale of its finances and the impact of its decision-making power, it is not covered by the 2007 Act.

Just when we thought that public patience with elaborate and unaccountable quangos, which have failed to deliver in important areas such as housing, had run out, the Government have put them on a life support machine in the Local Democracy, Economic Development and Construction Bill. RDAs will now be spending vast sums of taxpayers' money on functions that they were never designed to deliver and taking decisions over some of the most controversial aspects of housing and planning. Yet RDAs, along with the rest of the quangos, have been exempted from the 2007 Act.

At a time when every publicly funded organisation is having to demonstrate its value for money, I cannot believe that the RDAs welcome being veiled in secrecy. Ironically, the RDAs might be better placed to advocate their case if they were covered by the 2007 Act. The quango culture is of a piece with public suspicion that politicians seek to abrogate responsibility and spend

taxpayers' money without recourse. That corrosive cynicism is undermining our democracy and we need an antidote to it. People need to know how much is being spent, by whom and on what. Could it be the case that at the back of the Government's decision to dilute the requirements for publishing spending, there is a genuine concern that people would be horrified at the level of waste? What is incontrovertible, however, is that opening up the books would enable people to see just how their area compares to others in the share of funding that it gets.

Having set out how and why I believe that the Government have got it wrong in compromising the scope of local spending reports, I want to advocate how we might better match the reality of the 2007 Act with the rhetoric of the Local Democracy, Economic Development and Construction Bill. For a start, we should honour the commitment given by Parliament to enact the legislation in full. As legislators, we should aim to meet not just the letter but the spirit of the legislation and really open up spending to local scrutiny and counter-bid.

Hon. Members on both sides of the House have sought opportunities to do this, and I know that my hon. Friends the Members for Peterborough (Mr. Jackson) and for Wycombe (Mr. Goodman) recently tabled amendments to the Bill to that effect. Sadly, however, those were to no avail. It is clear, therefore, that if the public's desire for transparency in local spending is to be realised, it will take bold action. On my part, I believe that we should go further than the terms of the Bill, and that we should be bolder and even more radical in the quest to get transparency and accountability into public spending.

The Conservative party has made it clear that under a Conservative Government councils would have to publish online details of all expenditure over £500—already some Conservative councils, such as Windsor and Maidenhead, do that. That will let people see, at the click of a mouse, how their local authority is using their money. The emphasis will be on making the data easy to access, easy to understand and easy to compare with other councils.

That cannot be said of the current format in which the sustainable communities spending reports are being published. I consider myself to be fairly adept with Excel, and those reports are a cautionary lesson in making information at best opaque, and at worst simply indecipherable. However, the key to making those council spending reports valuable as a means of scrutiny is our pledge to abolish the entire regional tier of government and repatriate power to democratically elected councils. That would solve at a stroke the problem of regional bodies not being covered by the 2007 Act.

Our approach of discharging as much power as possible to elected councils, rather than unelected quangos, will give real force to the power of publishing spending online. We would also go back to the source—the grant formula—and make it more transparent. That, along with the power of local referendums and our commitment to phasing out ring-fencing, would deliver a sea change in the way we do politics. We are intent on devolving real power to councils so that they can deliver on the priorities and needs of their communities.

That approach is best summed up in our policy of giving councils a general power of competence—a power to enshrine the presumption that councils could, and should, be free to act in accordance with the wishes of the communities that they serve. However, in return, the communities deserve to be given the tools to hold those councils to account. They have to have at their disposal the information and the levers of power to challenge spending decisions and get things changed.

Is that not at the heart of the original motivation behind the spending reports that we are debating? It is a silver thread that has been running for some time in various incarnations but with very limited success—from local area agreements, to local strategic partnerships, the 2007 Act and, most recently, the Total Place initiative. Sadly, however, none of those manifestations has delivered what we need, which is why we find ourselves here today. We are in the early days of the Total Place pilots, and Conservative Members are watching with interest to see whether the Government can crack it.

It all goes back to the money, however. Bringing budget holders around the table can yield great results, but it is predicated on knowing what money is spent, by whom and on what.

Mr. Letwin: I am grateful to my hon. Friend for giving way again, and I am glad to tell her that this intervention relates to Dorset, rather than Cumbria. Does she think it as important as I do that the Secretary of State explains how, in the Total Place pilot in Dorset, all Government agencies have been able to reveal their figures—this time, not published—to the other partnership authorities in Dorset?

Mrs. Spelman: When the Secretary of State replies, he will have a golden opportunity to explain those discrepancies.

I shall draw my opening comments to a close, because I am keen that others have an opportunity to speak. It is an important debate because it goes beyond the subject of local spending reports and to the heart of what the public expect of us and how Parliament responds to them. The past year has been a deeply damaging one for this institution. We have been left with a clear, unambiguous instruction from voters that they are sick of public money being spent behind closed doors. They want to see where their money is going and whether it is being used efficiently. Politicians ignore that at their peril. The Government's desire to keep public spending under wraps is completely at odds with where the public are.

The organisation Unlock Democracy put the matter well when it said:

> "With the current acute public disillusionment of politics it could not be more timely for the government to commit to publishing full Local Spending Reports, as already promised by"

a previous Minister. As politicians, we are on notice that we have to live up to the high standards expected of us, which is why backtracking is so dangerous. The tide of public opinion has turned. It is unflinching and there is no going back. People are no longer content to defer to distant individuals or faceless organisations over how their money is spent. They are determined to know.

I firmly believe that Parliament, as with any organisation in receipt of public funds, has a moral and unquestionable duty to make public how it spends our money. To resist that will only foster more of the kind of distrust, cynicism and resentment that we have already seen

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when taxpayer-funded organisations refuse to come clean on where the money is going. We have to show that we are better than that. Delivering in full on local spending reports would do that. With sadness, however, I say to colleagues that those reports have not been forthcoming in the way that hon. Members on both sides of the House had hoped. In recognition of that, I urge colleagues to support this motion so that we can go some way to restoring the House's integrity in the eyes of supporters of the 2007 Act.

1.49 pm

The Secretary of State for Communities and Local Government (Mr. John Denham): I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"recognises the role of strong, accountable local government in delivering high quality local services and entitlements to services whilst ensuring value for money; welcomes Government investment, through local councils, in providing real help now to families; reiterates the importance of providing information about local spending and service quality to ensuring effective scrutiny and value for money; further welcomes the passage of the Sustainable Communities Act 2007 and the Government's commitment to work with the Selector on its implementation, and believes that the first local spending reports published in April 2009 marked an important initial step in making local public spending more transparent; further welcomes responses to the consultation confirming the desire to see more data published; welcomes the Government's intention to extend local spending reports to cover all local public spending which can be readily provided in this format at reasonable cost; further welcomes the Government's proposals to extend local authorities' scrutiny of all local public service spending in their area; further welcomes the Total Place pilots mapping in detail all public spending in key services in 13 areas; further welcomes Sir Tim Berners-Lee's work advising Government on how best to make non-personal public data as widely available as possible; believes that these developments will enhance the Government's ability to provide local spending information in the most effective manner; and asks Ministers to report back to the House before the end of December 2009 on the next stages in developing local spending reports."

This is an important debate. I want to go through what has been achieved so far and what the next steps are. I did not think that the speech by the hon. Member for Meriden (Mrs. Spelman) showed an enormous grasp of the nature of public data and how they are made available or of what has been done so far and what will be done in future. I regret that, because I believe that those public data are important. It is also important that we build on what has been done so far.

There are clearly some conceptual difficulties. Whatever the merits of, for example, the Infrastructure Planning Commission—I think that they are considerable, but that is a debatable point and has been debated in the House—it is a national body, as is the Supreme Court. It had not occurred to me to previously that the Supreme Court should be covered by local spending reports. Presumably the spending should be divided by the number of local authorities and put into a report, but would it really help to subdivide what are essentially national institutions into local reports? The hon. Lady told us that the IPC and similar bodies—presumably including the armed forces and so on—should be included in local spending reports. However, we need a bit of clarity about the purposes behind the legislation, because that will enable us to look at what can reasonably be done in future.

John Howell (Henley) (Con): Does the Secretary of State not understand that councils, particularly during this recession, are trying to develop policies to help local people get back into jobs? The absence of figures for regional development agencies and Jobcentre Plus is not only a disincentive in itself, but fundamentally works against the notion of partnership that is needed for such activities.

Mr. Denham: I agree about the importance of such information. I was merely making the point that suggesting, as the hon. Member for Meriden did, that expenditure in institutions that operate at a national level should be covered in local spending reports is a misunderstanding of what the original 2007 Act was about. It would be better to concentrate on how we make relevant and timely information available on genuinely local public spending.

The ground that we are covering today has been fairly well trodden in recent weeks and months, but is no less important for that. There are two things that we should try to do in this debate. The first is to establish the importance of information on local spending in driving the delivery of effective, personal, high-quality and value-for-money public services. However, we also need to establish the deep divide that now separates the two major parties on the future of local government. Perhaps I could start by setting that scene first.

I recognise that there is a superficial rhetorical similarity between the commitments of the parties to decentralisation, but in practice they are a long way apart. Time and again in yesterday's Communities and Local Government questions, we saw Opposition Members lining up to remind us that their local government policy is against growth, against jobs, against homes, against sensible transport planning and against the regional development agencies, which have helped to support numerous businesses through the downturn.

Julia Goldsworthy (Falmouth and Camborne) (LD): Surely the help that local businesses have received via the RDAs is a classic example of regional spending having an impact at a local level, where it would be beneficial for the public to know the quantities of money being spent in their areas.

Mr. Denham: I will come to that point, although I am glad that the hon. Lady does not seem to share the desire of the Conservative Opposition simply to do away with those structures and pretend that nothing should exist between central Government and local expenditure. That is a huge gulf between us, and it puts the Opposition in a terribly weak position when they try to argue that they have policies that will help us come out of recession and deliver decent public services.

Mr. Stephen Dorrell (Charnwood) (Con): The Secretary of State is right that there is a gulf between the two sides on the future of regional development agencies, but what on earth does that have to do with local spending reports? While he is on his feet, could he address the issue in the Opposition motion? For example, how can we take the experience being developed in Leicestershire through the Total Place initiative, which focuses on drugs and alcohol and which the Government say they support, and use it outside Leicestershire if, say, the youth offending service or the probation service does not publish the information that would allow other local authorities to use that experience?

Mr. Denham: The right hon. Gentleman makes an important point. He says that the Government say that they support Total Place, but the Government invented it. We are driving Total Place forward, and I am grateful for his support for it.

I will come to Total Place, the lessons that we can learn from it and how it fits into the wider picture in due course. However, it is important in a debate on local government to set the policy scene behind the demand for local information. The hon. Member for Meriden wrote in August urging Conservative-controlled councils to go slow on making land available for housing and jobs. That was an act of gross and irresponsible economic vandalism, but it speaks volumes about the Conservative party's approach. Any discussion that we have about local spending information needs to set in that context.

Mrs. Spelman: Actually, the Secretary of State is going the right way about committing his own economic vandalism, by misrepresenting the policies of the Conservative Opposition and stoking unjustified fears about our clear plans to provide more housing and more jobs, which his Government have failed to provide.

Mr. Denham: Given the support that the hon. Lady gave to Conservative councils to resist attempts to provide land for housing, she has some difficulty in trying to explain how that would provide the land needed for housing.

The second point about local spending plans is that the Opposition would like there to be a lot less local spending. They are on record as saying that my Department should have its spending cut by £1 billion this year—not next year or when we look at deficit reduction, but this year. That is hugely damaging. I agree that making local spending information available is important, but it is also worth noting that the Conservative party fundamentally believes that there should be far less spending, although it has never been open and straightforward about its plan. The Opposition proposals are wrong, because they would damage recovery and lead to further huge cuts in housing, on top of their desire to block housing.

The background to this debate is that Government Members believe in strong, accountable and effective local government, able to influence the whole of public service spending in its area. We believe in devolution on principle, but we also believe in it for a purpose: to deliver high-quality public services while making each taxpayers' pound work as hard as it can. We see devolution as a way of entrenching people's entitlements to public services and ensuring that they are delivered. The proposals that I set out last July to extend the scrutiny power of local government will ensure that councils and councillors have the power to challenge how every pound of local public service money is spent.

The Conservatives couple the localisation of power with the abandonment of any concept of, or commitment to, the standards of service that citizens have a right to enjoy. That is throwing the baby out with the bathwater. It is a charter to make the postcode lottery the founding principle of conservatism in local government. The Conservatives have given the green light for "Ryanair councils", where people have to pay twice—once in tax and then in an extra tax—to get a decent service.

I make that point because although the hon. Member for Meriden spoke a great deal about local spending, she said almost nothing about information on the quality of local services. That is not a surprise, because as part of their package, the Conservatives have promised to abolish targets, end standards and stop entitlements. They have also promised to stop inspections: they do not want to check on standards because there will not be any. Government Members support local spending reports, but I am sure that they agree that it is the outcome of the spending—the quality of service that our constituents receive—that matters most.

Mr. Dorrell: We can have a debate about local quality reports another day, but could we come to local spending reports—something to which the Secretary of State has so far made only glancing references? That is the subject of the motion on the Order Paper.

Mr. Denham: The Conservatives are uncomfortable when it is set out in front of them what their policies mean for the quality of local public services, so I am not surprised that I am being urged to move on. I will do so, but it is important to put this on record. There is a great deal of interest in the Local Democracy, Economic Development and Construction Bill outside this Chamber, and it is important to put on record the fact that there is no cosy consensus between us and the Conservatives on the future of local government and of local government services; there is in fact a big divide.

Before we knew the subject for today's debate, I had already arranged to speak at the Royal Society of Arts, and I gave a lecture there last Wednesday on the future of local government. If I may, I should like to read from the part of that lecture that is directly relevant to today's discussion. I said:

"Public data is an essential tool in creating pressure to drive improvements in public services—on the old principle that knowledge is power. It puts all the information, and therefore the power, in the hands of users, service providers and would-be providers—including social enterprises. People should be able to compare the outcomes and the costs for their own local services with the services delivered elsewhere, and suggest means of improving and driving change. An open data policy as part of our broader efforts towards democratic renewal is important for creating a culture in which Government information is accessible and useful to as many people as possible".

That is a statement of principle that I am happy to restate in this House. It is, of course, exactly what local spending reports are about.

I want to set out what we have done so far, what the next steps will be and, crucially, how the Government's wider policies for the reform of local government, local public spending and public data openness will continue to transform the availability of public data. As the House knows, we have completed the first stage of local public spending reports. There has been some suggestion in this debate that the Government have in some way significantly deviated from promises made at the time the Sustainable Communities Bill was being discussed, and that we have backtracked on them. In the debate on 2 May 2007, the Minister then responsible, my hon. Friend the Member for Oldham, East and Saddleworth (Mr. Woolas), rightly said:

"The local spending report would cover all public expenditure in each local authority area in so far as it is possible to define it."—[*Official Report, Sustainable Communities Public Bill Committee*, 2 May 2007; c. 46.]

In that same debate, which many hon. Members attended, he also entered a number of caveats—[*Interruption.*] This is relevant, because the suggestion has been made in this debate that the Government's response to that

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legislation was dishonest or disingenuous. It is therefore important to remind the House of the reasonable and practical qualifications that the then Minister made when talking about the public expenditure reports.

Mr. Letwin: Will the Secretary of State give way?

Mr. Denham: I should like to make a little progress, then I will give way to the right hon. Gentleman.

My hon. Friend went on to say that he was talking about

"expenditure that can be easily identified as relating to a particular area".

I have previously made the point about the desire of the hon. Member for Meriden to include the Infrastructure Planning Commission in this, but it would be difficult in an annual report to identify how much of that expenditure related to a particular area. My hon. Friend went on to say:

"We do not propose to create a new power to require additional information to be provided".—[*Official Report, Sustainable Communities Public Bill Committee*, 2 May 2007; c. 51.]

He also said that the clause that was being discussed specified that the cost of producing the report must be limited.

I do not believe that what we have today represents the end of the process. I am simply making the point that it was clear from everything that my hon. Friend the Minister said at that time that there would be some limits on the data that were initially provided as part of this process. The important thing about today's discussion is to determine how we move forward from where we are.

Mr. Letwin: It was in response to me that the then Minister made several of those remarks in that debate. The impression that he gave was very clear to all present, and it was confirmed in discussions outside the Committee Room. It was that there would be detailed reports. There are detailed reports produced by others, which are based on Government information. That Government information has not been published. The Secretary of State cannot stand there and say that the Government have done what they committed themselves to do. I regret that, but that is the fact.

Mr. Denham: The Government made it clear at that stage that there were limits to what would be immediately provided, and that there were some absolute limits on what could be provided. This is an important point, and I will come in a moment to the case of Cumbria and to other examples. It is a completely wrong charge to suggest that what the Government have done so far represents a stepping back from the commitments that we made at that time. What we have now does not represent the complete process, but it does not represent a stepping back.

Julia Goldsworthy: Does the Secretary of State accept, given the large numbers of individuals and organisations that supported these measures, that this will have undermined their confidence in the process and made them less confident that it will be successful? Is not that the fundamental problem? If we are trying to encourage people to participate, will not this failure to meet their expectations undermine that?

Mr. Denham: When I was listening to the hon. Member for Meriden earlier, I certainly shared the concern that if that is what has been communicated outside the House about the reasonable expectations and the Government's attitude, it might well have had that effect. I share that concern, and it is something that I wish to address. It is important for Members of the House to provide information to those outside in a reasonable and balanced way.

Mr. Durrell: I want the Secretary of State to address his mind to a specific question. The list of institutions relating to practical objections to the publication of this information locally includes the probation service. Will he explain what the practical objections are to publishing local information about the cost in each locality of the probation service?

Mr. Denham: The right hon. Gentleman makes a very fair point, and it is one that I wish to pursue in suggesting that the House support my amendment proposing a further report in December. I do not believe that the job is yet done in a number of areas.

Let me refresh the House's memory on where we had got to. The first stage of local spending reports was published on 29 April. The data that they contained were wider than those originally proposed in the first consultation. Although the House has been told the opposite this afternoon, they include data on spending by the Department for Work and Pensions. That was not on the list, and the House has been told that it is not on the list, but it is on the list. In addition to principal local government spending, the data include police, fire, waste disposal, passenger transport, park authorities, strategic health authorities, ambulance trusts, NHS trusts, primary care trusts and spending by the DWP.

That first stage covered the data that were held in Government at—or primarily at—principal local authority level, and which could be made available without incurring significant additional costs. There is an important point to be made here. It is at that local authority level that the focus of interest lies. The first port of call in the exercise involved the data that were already held in Government systems, aggregated at principal local authority area level, that could be made available.

It is clear to everyone that a great deal of local public spending is not covered by the first stage of the reports. That is why we are having the debate this afternoon. Given my commitment to openness of data—and the statement that I made last week, when I was unaware that this debate was going to take place—I want to share frankly with the House some of the challenges involved in moving to the next stage.

Mr. John Redwood (Wokingham) (Con): Do Ministers know what these data would reveal? Are they therefore embarrassed for others to know about them? Or do they want to be in ignorance?

Mr. Denham: If the right hon. Gentleman had waited for just a moment longer, he would have heard me explain that these are serious and practical issues that are worthy of a proper debate. Given the experience of right hon. and hon. Members who will speak later, I hope that they will also address them.

First, there is the question of how we characterise the spending that takes place physically in one area but serves a much wider area. Universities and prisons

would be two contrasting examples. In one sense, leaving them out of the picture entirely is unsatisfactory, but pretending that the universities of Southampton and Southampton Solent are properly to be included only in Southampton's local spending report would be equally unsatisfactory. Some very significant areas of public spending do not fit neatly into local spending reports. It would be useful to hear in our debate—I am genuinely interested in this point—whether the mood of the House is that it would be better for this to appear as expenditure on two major universities in Southampton's spending report and nowhere else in the country, or whether it should be shared.

The hon. Member for Meriden referred several times to quangos. One quango that has had its expenditure doubled in real terms under this Government is the Higher Education Funding Council; I used to be responsible for it. I was once, for my sins, a member of Hampshire county council's education committee in the 1980s when the then Portsmouth polytechnic and the Southampton institute of higher education were funded by local government. One of the best things that the previous Conservative Government ever did in education policy was to move those significant higher education institutions out of local government control in order to fund them centrally. We now have two significant additional universities in Hampshire that did not exist then, and they are much more successful because of the autonomy that they have gained.

I make that point because an argument running through this debate is that quango expenditure is by nature illegitimate, funds nothing of any great value and should simply be included in local public spending reports. *[Interruption.]* That was the gist of what the hon. Member for Meriden had to say. I do not accept that. When people outside hear the Conservative party attacking quangos in this way—*[Interruption.]* One of the reasons why the amount of money spent has gone up is because the Government have invested a lot extra in areas such as higher education. Of course the expenditure has gone up, but it is not a bad thing: this is what enables our constituents' children to go to university and benefit from it. I raise this as a serious issue for discussion: why should Winchester prison, or Southampton and Southampton Solent universities, for example, feature in a local spending report? I shall come on to some other examples in a few moments.

Mr. Letwin *rose—*

Mr. Denham: I shall give way to the right hon. Gentleman so that he can answer my question.

Mr. Letwin: I will, indeed. Let me give the Secretary of State a very comforting answer, which he could take back to the officials who, to our certain knowledge, have resisted this idea for three years. If he makes a judgment and states the assumption, we are happy. We are happy to have a public debate about whether the assumptions on which allocations are made are reasonable. It does not matter what they are to begin with, as long as they are open and public. Will the Secretary of State please just tell all the officials that what the House of Commons, across the parties, would like is the real McCoy on the basis of simplified assumptions, which are stated? The Secretary of State will then not have to worry about any of these questions, as they will be debated in public.

Mr. Denham: That would be one way of approaching it, although I fear that it might be misleading. The question of Cumbria has come up; indeed, the right hon. Gentleman himself may have raised it. There are two points to be made here—I shall come back to the second—and the one for this afternoon's debate, in which I have some interest, is that Cumbria's public spending includes expenditure at Sellafield. Everybody says that Cumbria has £7 billion of public expenditure—a figure that I have used myself in articles and debates. That appears to suggest, at face value, that public expenditure on public services in Cumbria is the same as in the city of Birmingham. I have to say that we must be careful in this process not to produce misleading results.

Mr. Letwin *rose—*

Mr. Denham: I think that the right hon. Gentleman accepts the point of principle that I am making, even if he disagrees with the conclusion I have reached.

Mr. Letwin: I am grateful to the Secretary of State for giving way, as this is now beginning to be a productive debate about the actual subject for discussion. If he looks at the Cumbria publication, he will discover that the population of Cumbria has been treated intelligently. The figures are presented first on the basis that the Nuclear Decommissioning Authority is included and, secondly, on the basis of excluding it. I recommend this further idea to the Secretary of State: where he has doubt, he should publish on two bases. We would be happy with that, too.

Mr. Denham: That is a possibility that we will certainly continue to explore. When I produce my report in December, I may well form a view on this. The idea, however, that expenditure on Southampton and Southampton Solent universities is a secret that our constituents would find enormously difficult to discover if they wanted to know how much money was involved, is also ridiculous. What I am most interested in doing here—I say this in all honesty—is producing data that meet the public need. An illusion is being pushed that vast areas of expenditure are somehow kept secret by the state, and that it is enormously difficult to find out about them—yet through a couple of clicks on the internet, it is actually not hard to find the published information available. My predecessors and I have taken this exercise as one of great importance for trying to produce genuinely relevant local spending information. That is what I would like to continue to do. Everything could be put in, but that would not necessarily advance the quality of information.

Julia Goldsworthy: The line of argument that the Secretary of State is following assumes that local communities want this information to compare their spending with that of other local areas. Actually, this is all about feeding into a process of how to reprioritise funding within their own areas. For example, the right hon. Gentleman talks about university funding, but the local community may be saying, "We think that investing more in very young children might impact better on higher education participation than simply providing money for the universities. Can we have a discussion about a process for focusing our priorities in that way?" It is not just about comparing spending in one area with that of another area.

Mr. Denham: This is an important issue. In my area, people in Southampton would be able to have that discussion, but people in Eastleigh would not, as they do not have a university. People in Winchester could have that debate—they have a university, or bits of a couple of universities—but not those in Eastleigh. I think that the hon. Lady would accept that it is a bit of an illusion to think that having this information is particularly useful.

The right hon. Member for West Dorset (Mr. Letwin) put forward a proposition: include the items in the figures somewhere and do not worry too much about where they are—Winchester has its prison and poor old Eastleigh loses out again—as long as they appear somewhere in the data. That is one way of approaching it, but I am honestly not convinced that this will prove enormously useful. I do not rule it out, as it might provide one way of dealing with some of this expenditure, but let us acknowledge that there are problems with it.

I shall move on to an example that might find more common ground. The Court Service is another example of spending that serves a wider area, as is spending on skills in association with FE colleges and training providers. Those examples might be even more challenging for this process, because spending on skills, or on the criminal justice service, is spending in just the sort of areas where localities often argue that different priorities might be set. I accept that excluding those areas of expenditure in the long term is inherently unsatisfactory, which I believe was also the right hon. Gentleman's point.

The second issue to deal with is that some categories of organisation do not hold their data in a way that easily relates to local authorities. If we are talking largely about capital spending, it switches location from year to year. For example, one particular year's report that included Highways Agency spending might not provide a great deal of information about the annual revenue flow or inflow from that organisation into a particular area. Again, we have to make a judgment about the value of information that comes in that sort of lumpy and essentially variable-over-time quantity.

Mr. Letwin *rose—*

Mr. Denham: I will give way one more time to the right hon. Gentleman, but then I must make some progress.

Mr. Letwin: I am grateful; the right hon. Gentleman has been extremely patient and considerate. What he has said throughout could be characterised in this way: he wants to manufacture information that he thinks will be valuable, but what we are arguing—collectively, I think, across the House—is that people as intelligent adults should be able to decide how to use the information in all sorts of ways that neither the right hon. Gentleman nor we can imagine. He does not need to worry about mollycoddling or nannying people into having the information that they "ought to have"; he needs only to provide such information as there is and let them get on with it.

Mr. Denham: I would make two points. First, I am not anticipating the next stage of the process in detail. I want to commit the Government to taking this process forward today, which is why I am approaching the issue constructively. Secondly, there are some real issues of presentation and understanding, and the sort of information that I am talking about is not hard to find. I am making what I think are reasonable points about the way in which we present data.

Mr. Dorrell *rose—*

Mr. Denham: No, I have already given way many times; I must make some progress.

Mr. Dorrell: I just want to be helpful.

Mr. Denham: None the less, why spoil the debate? Very well.

Mr. Dorrell: I am grateful to the Secretary of State for allowing himself to be persuaded. He has said twice that the information is available, and he is right about that. Someone who explores the internet and employs a researcher will be able to find a fair amount of it. Part of the point of producing a local spending report, however, is to invite those to whom the necessary resources are available to take action on behalf of the public, so that those who are interested can obtain the information in a more easily accessible form. Will the Secretary of State take that point on board?

Mr. Denham: I entirely take the point, but the Opposition are so determined to be cynical that they are suggesting that I am giving reasons for not providing data, whereas I am actually exploring real issues relating to the effective production of local spending reports.

A third problem is caused by data not being held in a way that correlates easily with local authority areas. Parties that wish us to cut our budget, as the Conservative party does, will recognise that a reasonable limit must be placed on the expenditure required to produce that data. That is precisely what the Minister said at the time of the debate that I mentioned earlier. Fourthly, as I also said earlier—I realise that this point is not a show-stopper, but it is important—the data that we are discussing give no indication of the quality of services or the outcome of public spending. I think it important for debate to focus on those issues at local level as well. Fifthly, as many respondents to our consultation on the next step pointed out, what people often want is much more "micro-area" data. Spending in local communities, rather than at an aggregate local authority level, can highlight disparities in investment and outcomes.

Finally, the procedures laid down in the Act restrict us, essentially, to publishing data prepared and validated in line with the principles of the Office for National Statistics, which means that data that may be held by Government cannot be published until they meet that standard and may therefore be published some time after the event.

One of the reasons why comprehensive spending reports have been published in Bournemouth, Cumbria and Birmingham, for instance, is that information has been made available by local partners who hold the information and are free to make it available. However, it is not produced to the same standard as the ONS statistics produced by Government. We are effectively limited. As has been pointed out, the quality of some of the local public spending picture is higher than we have been able to produce. The issue here is the necessary obstacle presented by the ONS standards.

The consultation on the next stages received a somewhat disappointing response, mainly from local government. Only six non-governmental organisations responded, although they included Co-operatives[UK], the Public and Commercial Services Union and the National Housing Federation. However, there was a general desire for more information.

I suggest that we move forward in a number of ways. The first step will be to revisit Government Departments and agencies to find out what further information could be made available at reasonable cost to supplement the existing spending report. I hope to have completed that work by the time I report at the end of the year. Judging by today's debate, I think that it should include considering the issue of lumpy and localised spending, which is of national and regional importance. However, I have expressed concerns about the value of some of those data.

Secondly, we have received overwhelming support for our proposals to enable local authorities to scrutinise not just their own spending, but all local public service spending in their areas. Subject to detailed agreement across Whitehall, those plans will enable local authorities to scrutinise as much as £100 billion of public spending. Of course, they will be able to do so only if they have adequate spending information, and spending bodies will have to have a responsibility to co-operate with the scrutiny process. Local spending reports that we produce will support that process, but more and more immediate information should become available where it matters: in local areas. At present, because of the ONS issue, the sort of information that I expect to be made available to scrutiny committees may well be more up to date and comprehensive than any local public spending report would be at any particular time.

Thirdly—as has been recognised today—the Government have established 13 local authority-based Total Place pilots, which are examining in great detail current public spending across different agencies on particular services such as provision for the under-fives, drug and alcohol services and young people's services. That detailed mapping of public spending means that, for the first time, people can ask whether investing the money differently might produce not just better value for money, but better outcomes. They can consider the possibility that investment in, say, the prevention of unwanted teenage pregnancies might produce savings somewhere down the line in child care support, or that investment more generally in preventive health or substance misuse services might produce benefits down the line. We all want to see that happen.

Although Total Place is a pilot at present, many other areas are running similar initiatives. I believe that that approach—looking at every pound of public service spending in each area—is really gathering support. In many ways the Total Place was anticipated by the Sustainable Communities Act, but in many ways it is also potentially more comprehensive and more ambitious.

Part of our investment in Total Place is intended to enable local services to identify spending and outcomes at a much more detailed, and arguably more useful, level than the local authority level of local spending reports. It is often when one is able to identify the level of investment in a particular estate, community or target group of citizens that it is possible to identify whether public money is being used to best effect. One of the things that we will learn through Total Place is how data of that kind could be made much more widely available.

A number of Members asked earlier how it had been possible to make such information available in Bournemouth and in the Birmingham area, where I believe it shows public expenditure of £7.2 billion. First, we have provided extra financial support for the Total Place pilots to enable them to identify the data. Secondly, the data are not readily held by central Government in every circumstance. They are held by local partners, which is not a bad thing. There has been a general desire to reduce the level of reporting to central Government. However, I believe that that illustrates that we need to build on the Total Place pilots and see what lessons can be learned about making the data more widely available.

I think Members will agree that that local overview of public spending should be made available to professional managers of services and policy makers at local level, and to councillors who are involved in scrutiny. I also believe, as I said at the outset, that it should be made available to the public. The challenge that we face is to find a way of making these much more comprehensive local area spending data more widely available.

That is where the fourth strand of reform comes in. As the House will know, the Prime Minister has asked Sir Tim Berners-Lee, the original developer of the internet, to lead a project on making public data more readily available. The opening of his terms of reference makes the aim of that work clear:

"the Government is committed to implementing and to extending to the wider public sector the principle that public sector information should be available under straightforward licences and in standard formats for others to re-use: the principle that public sector information should be public."

The House will be pleased to learn that one of the key subsidiary aims of the project is to drive a culture change in Whitehall towards an assumption of total publication of anonymous data using open standards.

That work clearly does not just complement the local spending reports. I believe that it holds the potential to go much further, with Government and local government data becoming much more readily accessible on a much faster time scale and in a format that is more readily open to interrogation and investigation. That is relevant to a point made by the hon. Member for Meriden.

I have made it very clear that I want my Department and local government to participate enthusiastically in this important work. Sir Tim Berners-Lee is supported in it by Professor Nigel Shadbolt of Southampton university. I have met Professor Shadbolt, and hope to agree soon—certainly by the time of my progress report in December—on how we will participate.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Is the Secretary of State telling us that local spending reports will be subsumed in the Total Place programme, or will they continue to have an independent life?

Mr. Denham: It would be premature to say that they should be subsumed into the Total Place report, but I think we should continue to publish and develop them, and to look at how they can be extended. However, it is only fair to say to the House that there are other processes of change around Total Place and the

[Mr. Denham]

Government's drive to put data on to the web will take the process further forward than could have been anticipated at the time when the legislation was piloted through the House. I hope that statement is helpful. Let me make it clear that this is not an attempt to use the potential development of Total Place or other mechanisms as a reason for not progressing our current commitment to local spending reports. It is instead based on an optimistic view that we can go even further and do even better, particularly if at local level the data we have been talking about is more routinely available as a matter of course in the publication of data by local government and other agencies, rather than through the procedure we have for local spending reports, where all that information has to be reported up the line and go through the Office for National Statistics and then back down again.

Mr. Redwood: The Secretary of State has just said something very encouraging: he says he wants to publish more information than he is currently able to publish. Why then does he not just get on and publish all the information on the basis set out by my right hon. Friend the Member for West Dorset (Mr. Letwin)? Is the Secretary of State not aware that if he is given a "Yes Minister" script by his officials he should tear it up and tell us what he is going to do and provide some leadership?

Mr. Denham: It is a great shame that the right hon. Gentleman has clearly not been listening to the debate, because those of his colleagues who have participated in it have understood that I have been setting out precisely how I want to take us forward from where we are today, both in terms of local spending reports and in drawing to the House's attention some broader moves to make local spending data more widely available. I had hoped that the House would welcome that, and I should point out that these steps are very much in keeping with the spirit of the original proposals of the Sustainable Communities Act 2007.

Mr. Deputy Speaker, you, at least, will be pleased to know that I have reached the point in my remarks that states: "So to summarise". Therefore, let me summarise for the right hon. Gentleman the points I have been seeking to make.

Mrs. Spelman *rose—*

Mr. Denham: I shall give way once more, but I would not mind being able to deliver one coherent set of paragraphs at some point in my speech; I have taken a lot of interventions.

Mrs. Spelman: I am grateful to the Secretary of State for giving way, and I think this latter part of the debate has been interactive and interesting.

Does the involvement in driving the Total Place agenda of the Treasury, which is essentially the largest cross-cutting Department, make it easier both to extract the information and to extract more clearly on a comparable basis how much public money is being spent, because the Treasury has an interest in knowing, as do the public, exactly how it is being spent? Is that the key detail in persuading the Secretary of State that the Total Place pilots have the potential he has been outlining?

Mr. Denham: I chair the cross-Government ministerial committee on Total Place. For me as Secretary of State for Communities and Local Government, it is enormously helpful to have the Treasury fully engaged in this project. Let me make the following important point, however. There are 13 formal pilots, but anybody who, like the hon. Lady, is out and about meeting people in local government or reading the local government press will know that many other projects are basically do-it-yourself Total Place pilots. That shows that the reality is that there is a deep understanding in many areas of the public services that the next great public service reform challenge is breaking down the barriers between different public services and then having the ability to switch investment from one area of spending to another in order to produce the best possible outcomes.

There is to some extent frustration. I can sense it from Opposition Members and I do not think it is misplaced. The frustration is that when partners voluntarily get together at local level, in the vast majority of cases they have the legal ability simply to share information—such as their current operating data, or their current financial systems—in order to come up with a total picture of what they are doing. We in central Government are constrained at present in respect of pushing out data because we all wanted ONS to be independent and our statistics to be verified and not to be used by Ministers for nefarious purposes—not that we would ever do so. Those partnerships are operating on real current financial operating data. At the risk of going slightly beyond any agreed Government policy, let me say that we must somehow find a way to get that much more timeous data out into the public domain at local level. I believe that in the time to come the framework we have for local spending reports will enable us to go further than at present, but I think we would probably all accept that in terms of the cutting-edge work that is taking place on mapping public expenditure at local level, some of the most interesting work is being done around the Total Place pilots. I am not putting Total Place to the House as an alternative to local public spending reports. I am, however, saying that we should acknowledge that there is some very interesting and exciting work taking place throughout the country which we should all want to build on in the future.

Let me now summarise. I share the belief that openness in public data is important to driving public service reform and improving the quality of local public services. We have made a good start in local public spending reports; I do not share the criticism expressed today of how far we have gone. I believe, however, that we can go further, even though there are some real issues to be tackled, and the Government amendment suggests I should report back to the House on this before the end of the year.

At the same time as reporting back on where we go next on local public spending reports, we should recognise three important developments since the passage of the Sustainable Communities Act 2007 that have the potential to take this work much further forward: first, our proposals to extend widely the scrutiny powers of local government to cover local public spending areas; secondly, the development of Total Place, and the understanding it will give on how best to map spending and outcomes at local, including community, level; and thirdly, the Government's wider work to make public data available

to common standards on the internet. Taken together, I believe those areas of work will over time produce an outcome that exceeds the original ambition of the Sustainable Communities Act, but also one that is very much in keeping with it.

2.37 pm

Julia Goldsworthy (Falmouth and Camborne) (LD): At the start of the debate, there was talk about consensus on this issue, but the consensus has clearly broken down—although it may have started to return towards the end of the Secretary of State's remarks. I have been struck by the extent to which the debate has descended into a process-driven discussion. One reason why it is such a privilege for me to have another opportunity to discuss the Sustainable Communities Act 2007, which is dear to my heart, is that the matter is much more fundamental than that.

The Sustainable Communities Bill was the first Bill that I presented to Parliament after being elected. It carried on the work of Sue Doughty, a former Member for Guildford, who initially took the Bill forward. Ultimately, this legislation is on the statute book because of people power alone—the power of grassroots campaigning and local organisations in being able to vocalise the barriers to delivering what they consider to be the priority measures in their area. That is what the legislation is about.

I looked back at the remarks made by the Minister with responsibility for the matter in the final stages of the passage of the 2007 Act. He said that the 2007 Act would not necessarily catch the public's eye as had some private Member's Bills, such as one presented by David Steel, but that it was about fundamentally changing relationships and that it had the potential truly to affect the balance of power between central and local government. That is of particular importance to me, and it is the reason why I got involved in politics—I was frustrated that the voice of people living in my local community was not being heard, and I wanted to change that. What I have heard today from the Secretary of State is an argument that central Government know best, and from the Conservative Benches that local authorities know best. In fact, this is all about people knowing best and giving them the right channels to communicate that and to take control themselves.

I wonder whether the Government are slightly uncomfortable about dealing with this issue, because it is about a fundamental shift in power. It is for that reason that so many people had such high hopes for this legislation. It is important to remember that the local spending reports issue is about not only providing information, but enabling participation. We can put all the information that we like on the internet, but it is completely pointless if it is not a platform for allowing people to engage, to have input and to make a difference. That is the fundamental point to remember, and it is why so many people are so frustrated and disappointed with what we have seen so far.

Local spending reports are at the heart of the 2007 Act. They are based on the principle that people have a right to know not only what money is being spent, but how it is being spent, because once they have that information, they will have a view on how the money could be better spent addressing their priorities. From that flows the whole process of enabling communities to make proposals to remove the barriers that have been preventing them from having a say in the process until now.

I was slightly bemused by the Secretary of State's characterisation that what is preventing local spending reports from being published at the moment is the fact that all the information has to be reported all the way up the line and back in order to be published in some kind of tabulated format, because that is not the case. My understanding of what is happening in the Total Place pilots is that the role of central Government is in twisting the arm of the local side of public service delivery—the agencies do not want to produce the information, which they have locally—to make the information available. There is no reason why local spending reports cannot be produced on exactly the basis that I am outlining.

Mr. Denham: I hope that the hon. Lady will deal with a point that I made. Government publication of statistics is now governed by procedures and rules, which have broadly been agreed with this House, about independent assessment by the Office for National Statistics. Most of the data that are made available in the Total Place pilots are perfectly good and usable at local level, but they are not of sufficient quality to enable the Government to publish them in the official form of spending reports. That is a frustration—it is not something that I welcome—but the House will understand the general concern about government use of public data, which led to the procedures. That is why we need to examine how more information could be made directly available locally.

Julia Goldsworthy: The Secretary of State makes a valid point. I am simply trying to say that although central Government have a role to play in enabling this information to be made available, they do not have to be the ultimate publisher of it all.

Mr. Letwin: That was an interesting exchange. We would be delighted if the Secretary of State were to make the next phase the universal publication of data on the same basis as occurs in the Total Place pilots. We would regard that as a sizeable step forward, regardless of whether the data did or did not meet ONS standards.

Julia Goldsworthy: I do not want this to be a debate about the best process for making this information available; the debate needs to be about agreeing that people have the right to see this information and then to have an impact on any decisions flowing from its being made available. I do not see any need for the Government to be the ultimate national publisher; they just need to unlock the information being made available locally, and nothing in the 2007 Act prevents that from being the case.

We need this information because of the complete lack of transparency in public spending at the moment, nowhere more so than in local government matters, as can be seen even if one looks simply at how money is raised and spent locally through council tax—about 80 per cent. of what councils spend is not raised through council tax. That confuses everybody, because people cannot understand why their council tax increases by more than inflation every year, yet it appears that council services are being cut. This is all to do with the confusion created by the system, which multiplies out to all aspects of local public service delivery.

[Julia Goldsworthy]

Anything that provides greater transparency is important. The issue is about more than just councils, because the most interesting thing is that the information provided at the moment through the local spending reports, which covers a large number of big-spending organisations locally, deals with so little spending; the reports do not cover the majority of public spending locally. Some 65 per cent. of the money spent locally is not included in the public spending reports, and that constitutes very large sums. If taxpayers' money is being provided to deliver these services, taxpayers have a right to know this information.

This is not just about some of the big quangos. Part of the frustration with quangos is their lack of accountability and transparency; the argument is not necessarily about whether they are the correct delivery vehicle, but about the fact that they are remote and unaccountable, and that nobody understands how they work. The same can be said of local arrangements—one of the most confusing things in Cornwall is the number of area-based initiatives. It is not just about what the regional development agency or the primary care trust spends; it is about the fact that lots of small initiatives are funded in a targeted way, each having their own administration. They probably have competing, conflicting and overlapping aims and objectives, and the situation results in a fragmented approach. Delivering local spending reports in a way that is meaningful to people could help to overcome that.

Local spending reports are intended to get all this information out into the open in a public format with which people can engage. They are about starting the process of breaking down silos. One of my concerns about the Total Place pilots, as they are at the moment, is that they are very much an internal process—they are about taking the lead with the local strategic partnership. This should be about trying to engage people, not about just getting the relevant civil servants at the local level sitting around a table discussing how their budgets could be better spent. This is about getting the consumers of public services to have a say in how the money could be better spent.

We are in different economic circumstances from the time when the 2007 Act was initially proposed, but all these issues are more important now, not less. I have heard several people say that producing this information will be expensive, but everything I have read about the Total Place pilots suggests that what is exciting Ministers so much about the pilots is their ability to reduce waste caused by duplication and to focus on priorities. I am confident that if the process is properly rolled out, it will more than pay its own way, as well as encouraging more participation locally, and it will also protect some of the multi-agency working that is done locally. My greatest fear is that as public services budgets get squeezed, as I am already seeing happen locally, the first thing to go will be cross-agency working, which delivers some of the most innovative projects that make the biggest difference to people's lives.

My concern is that when budgets are squeezed, public services retreat to their core; everything that is not considered to be core to the service is got rid of, and so the silos get reinforced again. Producing this kind of information will be key to preventing that invidious move, which undermines the delivery of local public services. This speaks for itself—it is a no-brainer. Even the hon. Member for Oldham, East and Saddleworth (Mr. Woolas), who was the Minister when we debated that Bill, gave very good examples of how the least obvious thing could help to make a massive improvement to people's lives. I believe that he referred to the example of the Blackburn slipper, whereby a group of organisations locally agreed to buy every pensioner a pair of slippers. That saved the health service locally a fortune, because it prevented falls, and that would not have been achieved in any other way—other than by sitting down at a table and discussing it. It is exactly that principle that we should be following through.

It is because of all these potential benefits that people have been so disappointed. Let us consider the initial responses to the consultation. One response stated:

> "What is now proposed in the consultation document falls short of the original intention."

Another respondent said that they were

> "concerned that these local spending reports do not go beyond what is already in the public domain and that local spend by central government…is conspicuously absent."

There is real frustration that those expectations were not being met and that some key areas of local public spending were not being included.

The Secretary of State spoke about the challenges of trying to decide which information to include and which not to include, and he mentioned prisons and universities. I reiterate that the people who live in our areas have brains and are perfectly capable of deciding whether or not university spending will probably have an immediate, beneficial knock-on effect on the local economy, on jobs and on other public services. People need to be able to make their own judgments. It may well be that some local spending will be ring-fenced and people will say, "That was on a strategic transport route, so that is investment that you cannot have a say on, because it is part of the national infrastructure." However, that does not mean that people should not have the right to see that that money has been spent in that way. No conflict is involved here, so we do not need to get worked up and have any angst about what we should include or exclude. The presumption should be to include everything but, if necessary, to add a caveat saying, "This can be a subject of scrutiny and debate, but not of reallocation."

The fact that all this is so self-evident and obvious is why I feel so frustrated and mystified at the Government's response so far, and it seems to be the same at every stage of the process when we try to deal with the matter. It was frustrating when we tried to raise these issues in our debate on the Local Democracy, Economic Development and Construction Bill the other week—one would think that that was the most appropriate place to raise precisely these issues—that the Government seemed intent that they were the last thing that they wanted to discuss.

We have had a written statement today that was not on the Order Paper and that so far still has not materialised. It would have been very helpful to the debate. We still do not have a clear timetable—we do not know whether we will have any kind of local spending report next year, and we will now have to wait until December. The Sustainable Communities Bill became an Act in 2007. It

is amazing that we have seen such progress on Total Place in such a short time, but such slow progress in the implementation of the 2007 Act.

What has been most frustrating is the complete failure of the Department to try to communicate with the thousands of people who have made a personal investment in the implementation of the 2007 Act. Ultimately, everyone in this Chamber wants to address the fundamental disconnect with politics and politicians, and people and organisations have put themselves forward and said, "This is something that we think can address this disconnect." The way in which they have been treated has made matters worse rather than improved them.

Those people feel that they are being treated in a way that borders on contempt—contempt for the legislation, for the campaigners and for the councils that have invested in this process to such a great extent so far. Let us consider the levels of participation from the councils that have put forward proposals at this date: 28 per cent. of English authorities are taking part in this process, which I think is amazing in such a short period of time for something that is not statutory. Some 42 per cent. of Lib Dem-led authorities are taking part, and there have been more than 100 proposals from different councils. The Government should be heartened by that and should be using it as a springboard to try to take things further, rather than saying, "That process was not invented here, so we will now come up with a parallel process that we like more, because we invented it rather than somebody else."

We also have to remember that a lot of councils will be waiting to see what will happen next. I remember speaking to one of my local councillors when the 2007 Act was being debated. A real paradigm shift is needed not just for central Government but for local government to understand the potential offered by the legislation. My local councillors could not get their head round the fact that they were entitled to have a view on aspects of public services that were not already their responsibility. An awful lot of councillors will be waiting to see what happens to the proposals that have been put forward, and that will spark off other ideas that will enable them to take more responsibility and to innovate in a way that has not been possible until now.

None of that will be possible unless we have local spending reports, in whatever shape or form—whether they look more like the Total Place pilots or are along the lines envisaged by the Secretary of State—and unless we have that financial information. Power cannot be transferred down if the opportunity to have a say about what happens to the money is not transferred down, too.

My greatest fear, which has unfortunately been reinforced by what I have heard today, is that the Government's attitude will remain that they have a problem with proposals because they were not invented here and because we cannot put them into a nice, simple, one-size-fits-all approach. There are real issues about relinquishing power and control, and I am not sure whether the Government are up for dealing with them. That was reinforced by the debate that we had and the debate that we did not have on the Local Democracy, Economic Development and Construction Bill.

Ultimately, it seems that the Government's perception of participation is to set out in primary legislation how councils should respond to petitions, to create more bureaucracy, quangos and unaccountable organisations, such as economic prosperity boards, to give more powers to regional development agencies and not to introduce devolution but, at best, to delegate more powers. That is not the same as devolution. It does not give communities greater decision-making powers but ensures that central Government decisions are implemented at a more local level. That is fundamentally different, and it is not localism. I hope that the rest of this debate will be an opportunity for the Government to prove me wrong for making these assumptions. I hope that they do, because the 2007 Act is really important to me, and it is really important to restoring people's faith in democracy more widely.

Will the Minister or the Secretary of State confirm that the December 2009 deadline for the next stages will be debated and voted on in this House, and that we will not simply get a statement? Will we get a timetable for action? Will they confirm that we will get local spending reports and details of their format annually? Will they confirm in December 2009 the ongoing implementation of the 2007 Act? Will the Minister be able to confirm that the benefits of the Total Place pilots will be opened up to other authorities—perhaps those adjacent to those which are taking part—that might want to participate and benefit? Will the Minister also commit to extending this process to the local authorities that are closest to their communities—that is, our town and parish councils?

Given that this has been a grass-roots campaign from the start, it is really important that anybody watching the debate—I am sure that many people who have supported the campaign will be watching it—is convinced that their voice counts. It is very important that the Government do that this afternoon, in order to restore faith in our democratic process.

2.55 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am grateful that you have called me to speak in this debate, Mr. Deputy Speaker. Obviously, given the massed ranks of Labour Back Benchers, it has been difficult to find a slot in which I can deliver my speech. I notice that my two co-conspirators on the 2007 Act both sit on the Front Bench, whereas I sit in a lofty position on the Back Benches.

I feel some responsibility for the Act. I cannot pretend that I was its parent—that was the hon. Member for Ruislip-Northwood (Mr. Hurd)—but I like to think of myself as its uncle. The hon. Member for Falmouth and Camborne (Julia Goldsworthy) could be its auntie. I enjoyed the process so much that I tried to become a parent in my own right, by promoting the Sustainable Communities Act 2007 (Amendment) Bill. Sadly, I was not a very successful parent—it seems to have been stillborn—but I hope that if and when we move the 2007 Act forward, the Bill, which, importantly, would clarify the spending reports, try to bring parish councils in and roll forward how future programmes can operate, can be introduced.

I think that we have been a bit churlish. As someone who is not necessarily known as the most loyal Labour Back Bencher, I think that the Government have listened. The Department for Communities and Local Government, in particular, has made some moves. Obviously, it needs to go further and we will prompt and prod it to ensure

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that it does. However, it has made some moves, and although the Government's amendment to the motion is a bit overlong—it took me a long time to read it last night—the most important part of it is the last line, which states that the Government will produce their response by December. As the hon. Member for Falmouth and Camborne has said, we will hold the Government to that.

It would be nice to know how the Government—*[Interruption.]* Have I said something that I should not have? All the officials are going already. When the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Stevenage (Barbara Follett), sums up, she must make it clear how the Government intend to respond by December. It would be worthy of a debate, and perhaps even a vote—that would be revolutionary, would it not? We need to be clear about what stance the Government are taking and how they intend to inform us appropriately. I hope that my hon. Friend explains exactly how we can trust that the Government have moved, that they are listening and that they want to get away from an entirely process-driven arrangement to one that has some meat on the bones. I say that as a vegetarian; we all have to be vegetarians now, of course.

We need to be a bit more altruistic and to recognise that the arrangement has been a good one. Cross-party work is greatly underestimated. We were only the forebears, as the Local Works campaign was relentless in driving the legislation forward. I give credit where it is due: the campaign has made sure that we did not slip and it is reasonably happy with the compromises that are being made. However, it is up to all of us to make sure that those compromises do not become soggy and that they have some real bite. That is what I intend to do, and I shall continue to play that part in negotiations outside the Chamber.

I want to say a few words about the local spending reports, which have not really been mentioned so far. We have spent a lot of time talking about what we are trying to do, but the reports are the basis for this debate and for the implementation of the legislation—*[Interruption.]* I am getting worried now, as I see my friendly Whip has come to look at me.

I have gone through the reports, and the reality is that they range from the dotty, undeliverable and downright unfair on the one hand to the utterly inspiring and really exciting on the other. It is important that we do not lose track of they fact that the Local Government Association must do a good job as the selector, and that is a task that it needs to get on with. Those of us who have been engaged in the process, and the people in the Local Works campaign, have had to knock the door down from time to time, but I hope that the Minister summing up the debate will say something about how we can be used as a source of knowledge for making sure that selection is as transparent and meaningful as possible.

Julia Goldsworthy: The hon. Gentleman is talking about the proposals put forward by councils, but 43 per cent. of the proposals that have gone forward to the LGA are related to devolving powers in respect of finance and decision making. Does not that make it even more important that the local spending reports are meaningful documents?

Mr. Drew: Absolutely, and I take in good faith what my right hon. Friend the Secretary of State said in that regard. We need to get this right, but that will not necessarily be that easy and we will not get it right first time. Let us be realistic: this is an evolving and complicated process. We are trying to force central Government to come to terms with giving out spending information. I think that the Department for Communities and Local Government understands that, but I am worried about other Departments. DCLG should be given every encouragement in this debate to poke and prod, and to ask, request and demand the necessary information, because without it the legislation will fall down. If we are not careful, we will encounter the usual reluctance—from the Treasury, dare I say it?—with the result that the information that we want will not be forthcoming.

I say let us get behind DCLG and give it every encouragement. Let us look at the new politics and make sure that the Department is given every opportunity to make this piece of legislation work.

Some of us are still struggling a little bit with how the Total Place campaign relates to the Sustainable Communities Act 2007. If someone could spell that out, it could not but help. If Total Place is a good model that we could extend and expand into the wider operation of the Act, we should get on and do it. We must make sure that there are not two processes that collide with one another and cause confusion. Some people are lucky enough to be in the pilot areas—and yippee for them—but it would not be right if the rest of us were to be merely marginal players and regarded as an afterthought.

Julia Goldsworthy: Will the hon. Gentleman give way?

Mr. Drew: I will give way once more to my co-conspirator.

Julia Goldsworthy: I am very grateful, and I hope that this intervention is helpful. One of the key issues raised by the Secretary of State was that the format under which the local spending reports were set up made it more difficult to provide the meaningful information that the hon. Gentleman wants. However, the legislation makes the position absolutely clear. Clause 6(1) of the 2007 Act states:

> "For the purpose of assisting in promoting the sustainability of local communities, the Secretary of State must make arrangements for the production, by the Secretary of State or another person, of local spending reports."

So the Department does not have to publish the reports, but merely has to enable their publication. There is therefore no reason why the remit of the Total Place pilots could not be expanded to include publication of the reports.

Mr. Drew: I take that as read. The hon. Lady is my hon. Friend in this respect, and the people involved in those pilots have to read the legislation just as she and I have to. As I said, the process will evolve: it will not necessarily be right first time, but we have to get it right because we have to make people confident that the process is meaningful. It must engender belief that there is trust between local government and national Government—and, more importantly, between other

players. We have not said an awful lot about the other agencies that we need to engage with, and I am talking, of course, about those in the voluntary sector.

If we get the process right, the greatest winners will be people in the voluntary sector. People in the statutory sector often say that an idea is great but that it cannot be done as there is no funding to lock it in place, but the legislation means that people in the voluntary sector will be able, for the first time, to insist on an examination of how public money is spent.

Passenger transport offers a real-life example. We all know that there are countless minibuses rushing around taking all sorts of people to different venues, but I am pleased to say that the local spending reports cannot but allow things to be done better, more effectively and in a fairer way. That is something that we need to get in place. We need to argue for it, and hope that the programme goes forward.

In this House, adversity and argument have their place but they are not always the best way to make progress. Sometimes we need to try and find compromise and consensus. In the end, we have to take a cross-party approach, as there are so many different elements involved. We all know that we cannot necessarily rely on our friends in local government to see things in exactly the same way that we, in our lofty position, see them. We have to work things out in a way that ensures that everyone gains.

My right hon. Friend the Secretary of State spoke about the Regional Select Committees, which I think have been an interesting experiment. They can be a bit lonely, particularly when they are not quorate and people have to be dragged in. That is a pity, and there is nothing more to be said about that, but they can be interesting when people are brought in to give evidence. In areas such as transport and health, and certainly environmental protection, it makes a lot of sense to have a body that looks beyond immediate localities and considers an area which, whether we like it or not, could be called a region. We need a grown-up dialogue about how we can make sense of that and get some proper consultation—and more particularly some transparency when it comes to accountability—at that level.

I will support the Government tonight—*[Interruption.]* Or even this afternoon: it just feels like tonight, and I should not rush to the next debate. I believe that what those of us who have been involved in the campaign on this matter have done is negotiate, argue and persuade. We have tried to take the Government along with us.

I know that there has been consternation in some parts of the Government about the Sustainable Communities Act 2007, which they see as wishy-washy stuff. It has taken quite a lot of effort to persuade people that it is a meaningful bit of legislation and that it is not outwith other aspects of the Government's agenda. We believe that it could be central to many of the things that we want, and it is really exciting. That is something that I do not want to lose: the Act is really exciting and meaningful, and I hope that the debate will help us to make it more so. That is better than being distracted by churlish point-scoring, which is not at all helpful.

3.9 pm

Mr. Stephen Dorrell (Charnwood) (Con): I want to begin by congratulating my hon. Friend the Member for Meriden (Mrs. Spelman) on introducing this subject. She has followed up the initiative of my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) in getting this very important piece of legislation on the statute book, and making certain that the aspirations expressed in it are not allowed to rest on the shelf but are followed through.

The subject of the debate, local spending reports, sounds dry and bureaucratic, but it is nothing of the kind. It certainly is not a wishy-washy aspiration—the phrase which was not used by the hon. Member for Stroud (Mr. Drew) himself, but which he reported as being used by others. This is a debate about access to and use of power. For that reason, it is hugely important.

In his closing passage, the Secretary of State referred to the importance of Total Place, which develops many of these ideas, as one of the major reform programmes for the future of public services. I entirely agree. This is a debate about power. When the Secretary of State moved off his introductory rant about planning policy and got on to the subject of the debate, what was revealed was an important consensus between those on the two Front Benches—a consensus of rhetoric and a consensus of aspiration—to ensure that information is made available about the level of spending in each locality, in order that we can embark on the kind of reform programme implicit in the Secretary of State's references to Total Place.

So far, so good. There is, across the party political divide, a shared aspiration. There is certainly shared rhetoric. The reason my hon. Friend the Member for Meriden was right to call the debate is that although there is shared rhetoric and shared aspiration, the Government must be accountable for the pace of advance towards achieving the aspiration set out in the 2007 Act, which we are impatient to see carried through.

When put under pressure on specific aspects of the delivery of local spending reports, the Secretary of State repeatedly retreated into the proposition, "This is a first step. We'll do better. There's a further report in December. Please refer to my lecture of last week. I'm on your side really. I'm in the jungle and lots of people are against me."

I suspect that that is an accurate description of the right hon. Gentleman's position. His predecessors signed up on behalf of the Government to making the information available in order to achieve a transfer of power and, surprise, surprise, when the Secretary of State now tries to deliver on that aspiration, by making the information available—in his own words, in a timeous fashion—he is encountering the classic Whitehall resistance programme: "It's frightfully difficult, old boy. We don't collect information in quite this form. It's terribly expensive. It would be very time consuming." Anybody who has spent any time in a Whitehall office has heard it before. It is like drawing teeth.

That is the central charge that my hon. Friend makes against the Government—not that there is not a desire in the fullness of time to see the reform as a good thing, but that from the outside there is a sense that the delivery of the aspiration is disappointing. Looking step by step at the stages that we are going through, and the arguments that are being used, it feels like drawing teeth against Sir Humphrey.

Julia Goldsworthy: Is that not disappointing, given the great opportunity to engage with the many thousands of people who want the process to work?

Mr. Dorrell: I could not agree more. It was the hon. Lady who stressed the importance of the programme as a power transfer. It is a power transfer in the spirit of the times, but it is a power transfer with which people in Whitehall do not feel very comfortable.

I want to substantiate my sense that the delivery of the aspiration is like drawing teeth. I accept that the Government are now on this square, but it was only at the second attempt that the Government included the Department for Work and Pensions budget in the local spending report. What on earth is the sense of trying to get the Government to look across departmental boundaries if we do not include the DWP budget in the project? But the Government did not get there the first time; they only got there the second time.

Then there is the list of exemptions that are still not included in the current proposals for local spending reports. In an intervention, I asked the Secretary of State about the probation service. He did not even try to defend its exclusion. He as good as said that he agreed with me and that it would not be on the list next time. Let us go through one or two of the others—for example, the Learning and Skills Council.

Why on earth is the Learning and Skills Council even claiming the right to exemption? It would be slightly different if it said, "Sorry, we are not here now, but we will be here in a couple of months when we have sorted out the practical difficulties", but we are being asked to accept, at least on the face of it, that the LSC should not be part of local spending reports. I do not accept that. It is disappointing that the Secretary of State is not prepared to say on the record that he does not accept it, either.

Another offender on the list is an institution for which I used to be responsible a long time ago, the Arts Council. There is not a shred of a reason why the Arts Council England should claim an exemption from the process. I know exactly why it is on the list. It is because it is embarrassed about the scale of funding that goes to the Royal Opera House and the London symphony orchestras, and the focus on London. It has its own private reasons for not wanting to see that information revealed. Who does the Arts Council think it is kidding? We know who the recipients are of Arts Council funding. Why does it almost draw attention to that by claiming exemption from such a programme? I could go on through the list, but I will not detain the House by doing so.

We are embarked on something that is important. There is a genuine will—a genuine willingness, at least—on both sides of the House to see the programme pursued. What we looked for from the Government, and the reason why the Opposition motion is rightly critical of them, is not simply a feeling of good will towards something that is a good thing, like apple pie and motherhood, but a willingness to fight battles to achieve the publication, because what we are seeking to achieve is a transfer of information, and therefore of power, from central Government to local government, and a willingness on the part of the Secretary of State to recognise that that battle will not be fought and won without his full-hearted consent and willingness to engage on behalf of an important principle.

The Total Place initiative in my constituency, in Leicester and Leicestershire, which is led by David Parsons, focuses on drug and alcohol services. There is no better example of a set of services that have for a long time been the prisoner of interdepartmental barriers and the inability to use funds from one budget in support of a relatively small group of vulnerable people across departmental boundaries.

I am delighted that Leicester city council and Leicestershire county council are embarked on a Total Place project to try to break down those barriers, but that makes no sense if the probation service and the youth offenders service are exempt from the process of empowerment through publication of information and, more positively, because drug and alcohol services are not just about treating the immediate need; they are also about improving life chances. How is it possible to deliver improved life chances for people suffering from drug and alcohol problems if it is not permitted to look across the fence into the LSC, the youth sports council and other services of that nature?

The Leicester and Leicestershire Total Place project is a very good step in the right direction, but it is also a good illustration of what is wrong with the Government's delivery of their promise on the publication of information. We look to the Secretary of State to read his own lecture, to believe his own rhetoric, and to fight battles on behalf of the people who will benefit from the improved delivery of public service that will result from the successful delivery of those aspirations.

3.19 pm

John Howell (Henley) (Con): I think that I am the only hon. Member to speak who was not here when the Sustainable Communities Act 2007 was introduced. At that time, I was doing pioneering work as a county councillor in Oxfordshire to try to work out how spending could be allocated and understood in terms of my own division and the major settlements within it. Although that information was not readily available in the sense of being kept in that form all the time, it was not difficult to make that information available and to bring it together. That allowed me to look at how much was spent, particularly in the poorest village, and that was not simply to answer the question, "What do I get for my council tax?", but to answer the question that others were asking, "Is the spend in the right place?"

When I listen to and read the statements from some of the agencies that have been too frightened to engage in the process, I imagine that the same arguments must have been run at the time of universal suffrage: do we trust the people enough to be able to grant them the vote? Exactly the same argument runs behind this: do we trust people to have the information? In the case of the information that I produced for my county council division and the conversations that I had, I had every right to trust people with that information. By and large they did not ask why they had or did not have a certain amount of money; they engaged in a much more intelligent debate about the priorities for the area and where was the best place for that money to be spent.

One of the issues that I had to deal with was raised by the Secretary of State—how to decide on the allocation of spending where it affected more than one area. The answer was simple. A judgment has to be made, the

criteria are decided and those are the criteria that are made available. The issue at that micro-level concerned bus subsidies. The subsidy on a bus route clearly benefits the length of the bus route and the people who live along it, whether they are in a state of need or not. I took the view that the bus subsidy should be allocated to the place where it had the most social effect, for which it was designed. Everyone understood that. It was understood by the richer neighbouring villages, and there was no disagreement.

Julia Goldsworthy: Again, the legislation makes it clear that the area covered can be one or more parts, whole local authority areas or any combination, and can include any other arrangements. There can be different arrangements for different reports. That is not excluded by the legislation.

John Howell: The hon. Lady is right. My point, to reinforce the comments that have been made, is that it is necessary to decide and to be open about the criteria that are used.

The need for such information is even more crucial in an age of partnership. Many of us who were in local government when the partnership regime came in were quite cynical about it and about the democratic deficit, but having lived with it and seen it, I appreciate the enormous advantages of being able to organise services on a much better basis. However, it can still be opaque. For example, the use of pooled budgets provides little in the way of transparency, both about what is sought to be achieved and about the money that goes into them. What is missing from that is not so much the idea of pooled budgets, but aligned budgets, which again comes back to transparency and the need to ensure that everyone understands that.

The Total Place experiment has been mentioned, and I was particularly interested in that. Criticisms of the programme have largely been seen as practical, but in evidence to the Public Bill Committee on the Child Poverty Bill, the leader of Kent county council says that while he is

"a great supporter of the Total Place concept, which is about joined-up public services looking at the totality of expenditure in any one area and sitting round and trying to go into solutions...there is still a silo mentality across the public agencies, which are acting in isolation and not in concert."

So it is more than just a question of picking up the pragmatics of how Total Place works; it is also about getting to the concept of it and getting th[illegible]ncies to agree that they are participating in a pr[illegible]t is worth while.

Again, the Secretary of State mentioned on a number of occasions—I got the impression that this was his view of the main purpose of this measure—that this was all about allowing local government to scrutinise the amount of its expenditure. Scrutiny is a very important function. Local government is growing into it in a dynamic way, and it has the ability to achieve some important results and to take forward different initiatives. However, it is about much more than scrutiny; it is about the ability to reorganise services on the ground in a fundamental and practical way.

The leader of Kent county council made the point in a particularly fantastic way to the Public Bill Committee in relation to the Total Place experiment. He talked about his Margate renewal initiative, which relates to vulnerable families there, and he said:

"In one shape or form, the amount of public agency support going to those families is more than £100,000 or £150,000. When you then start to talk to the health economy and the educational economy through to special needs, all of them are acting in isolation. With the health economy, the special needs economy and the public agencies, if you looked at the totality of expenditure on those 15, 20 or 100 families—more than £150,000—and thought about that pooled resource, would you start to do things dramatically differently that would lead to much more positive outcomes for those vulnerable families?"—[*Official Report, Child Poverty Public Bill Committee*, 20 October 2009; c. 53-55, Q124 and Q126.]

That is the whole purpose of the measure. The 2007 Act allowed me to try to get to grips with the information in order to be able to do something with it. I have never liked to collect data just for the sake of it, but it can achieve a valuable purpose.

The debate very much goes to the nature of the relationship between central and local government. I have said on a number of occasions in the House that my experience over the past 12 years has been of the way in which the Government have treated local government merely as the delivery arm of Whitehall, unable to take its own initiatives. The way in which that has come through most often is with regard to the ring-fenced grants, of which a considerable number are not needed and should be brought back into the pool. The problem with the ring-fenced grants is that they take a Whitehall view of how the money should be spent. It is a fixed view and, by and large, there is no flexibility for it to be targeted on areas of greatest need, which can be appreciated only on the ground. That was my experience of how the ring-fenced system leant to that view of local government as just the delivery arm of Whitehall.

If we are to make something of the situation and release the potential of both Total Place and the spending statements, we need to make a fundamental change in the relationship between local and central Government. We talked earlier of trust, and central Government must place considerably greater trust in local government—in the idea that local government knows what it is talking about, and that there are reasonable people there who make rational decisions on the basis of evidence that they have and are well prepared to use.

The current situation is a shame, and I have noticed it during the progress of the Child Poverty Bill, which is now in Committee. That Bill goes back to the old ways of doing things, entrenched in the Government view that, "We have a problem, we have some targets and, right, we will pass it straight over to local government to deal with." The Government do it with pooled budgets and there is no thought about how those should be dealt with or about the level of transparency, and no real acceptance of the need for targets other than central Government targets to ensure that a very important area of our society is dealt with constructively. Unless we ensure that these spending statements transform the way in which we deal with policy and with government, we will miss one of the greatest opportunities that we have to take this country forward in a partnership between central and local government.

3.30 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): We have had a rather good debate since we made it through the first 10 minutes of the Secretary of State's speech. That 10 minutes was badly judged, because the subject of the

[Mr. Nick Hurd]

debate is legislation characterised by strong cross-party support. It was my privilege to be the promoter of the Sustainable Communities Act 2007, and, as I sense that it will probably represent the pinnacle of my usefulness in this place, I am obviously keen to see it implemented properly. However, I am not alone, because, as the hon. Member for Falmouth and Camborne (Julia Goldsworthy) put it very well, many people can claim credit for what is a genuinely cross-party Act.

The simple truth is that it is on the statute book for one reason only, and that is people power. It is a grass-roots Act, forged by a wide, deep and extremely determined coalition who want to change how the decisions that shape the future of their communities are made. They are disappointed, and their disappointment is reflected in early-day motion 1064, which has been signed, as my hon. Friend the Member for Meriden (Mrs. Spelman) said, by more than 250 Members, including more than 90 Labour Members. Feelings run strongly through all parts of the House.

This debate has delivered some very clear messages to the Government. First, the 2007 Act is an important law that deserves greater attention from the Secretary of State, and I think that we have secured it in the run-up to and during this debate. Secondly, there is a perception that the Government have not delivered their promises on local spending reports. Thirdly, now is the time to change that perception and send a much stronger signal that the Department is committed to making the Act work, not just paying lip service to it. That has been the key theme of a good debate.

I shall acknowledge in particular two contributions, not least because they come from new players on the Act's well trodden stage. In his interventions and in a brief but telling speech, my right hon. Friend the Member for Charnwood (Mr. Dorrell) drew on his considerable and relevant experience, not least as Financial Secretary to the Treasury. When he acknowledges that the importance of the Act is the transfer of effective power, we should listen. It was also useful of him to draw on his direct experience of Total Place in Leicester.

I also particularly welcomed the contribution from my hon. Friend the Member for Henley (John Howell), not least because he was not a Member when the legislation was debated. He none the less drew deeply on his experience as a county councillor and on the direct experience of wrestling with the challenge of partnership working. He stressed the importance of words such as trust and transparency and, critically, the importance of the ability to change how things are delivered. Without that sense of the potential to change how services are delivered and who delivers them, we will not be able to make the progress that we need.

The theme is clear: the Government could and should do better. I should like to do two things: first, make it quite clear why we are disappointed; and secondly, try to persuade the Government to change gear. Critically, they should get over the "not invented here" syndrome and seize the opportunity that the 2007 Act provides to get people involved again in the decisions that shape their communities, and to transform the efficiency of public expenditure. Never has that need been more pressing, and the key word that will drive such transformation is "transparency".

So why are we disappointed? It is worth going back to what the Act set out to do. Its guiding principle was that local people know best, and that we should have much greater influence over the decisions that shape the future of the places where we live and work. To that end, the Act required the Government to seek proposals by local authorities for new policies and powers they needed to promote more sustainable communities. The Local Government Association would act as a selector, and the Secretary of State would have a duty to reach agreement on a shortlist of proposals. To assist local authorities in this process, the Government were required to produce local spending reports that would give local authorities and the communities they serve new information on public expenditure in the area, and local authorities would be free to challenge existing expenditure and make the case for the transfer of function and resource.

That goes to the heart of the response to the Secretary of State's concerns about the absence of quality of service from the debate, because the local spending reports are in fact a catalyst for challenging and driving up quality. The example that we used in Committee, as agreed by the then Minister, was that of Business Link. The scenario was one whereby a local authority had a locally set target about supporting local businesses. The provision of full, effective local spending reports would have shown the local authority what Business Link was spending in the area. If the local authority and the community that it serves felt that Business Link was not doing an adequate job, it could then, under the provisions of the Act, make representations to get the function and the budget transferred from Business Link.

If colleagues think through that example, they will see what potential the Act has to change the dynamics of how decisions are taken at a local level and to challenge whoever makes them. That could be a real motor for driving up quality and for asserting local priorities. As the hon. Member for Stroud (Mr. Drew), the auntie of the Act, observed—I sincerely welcome his remarks—it is a wonderful opportunity for the voluntary sector. As shadow Minister for charities, social enterprise and the voluntary sector, I have said to people in the sector, "This Act is a great opportunity for you—seize it," and they recognise that fact.

The bottom line, as anyone who was involved in the long trench warfare over the Bill in Committee knows, is that local spending reports were always seen as the meat in the sandwich—the genuinely radical part of the Act, as it now is. My hon. Friend the Member for Meriden stressed that in her opening speech. It was also clear that the reports had to be as comprehensive as possible in order to be useful—a key word used by the Secretary of State. In the consultation response, the chief executive of Labour-controlled Gateshead said:

> "Unless a comprehensive picture of expenditure is given within a specified spatial area, the reports could provide a misleading picture."

The then Minister "got" this. He was frank about complexity, as the Secretary of State said. Nevertheless, the direction of travel was clear. That May, the House was told that the local spending report would cover all public expenditure in each local authority—in so far as it is possible to define it—that it would cover both current and future spending, and that it would include all public agencies. That could not be clearer. Such transparency must be right, not only because it is

fundamental in giving local people meaningful influence, as the LGA put it recently, but because it is the natural bedfellow of efficiency and finding better ways of doing things.

There is a more fundamental point, which was made strongly by the hon. Member for Falmouth and Camborne. In 2009, surely we have a right to know what is being done in our name, in our area. We live in a world where we have so much information at our fingertips, yet it is almost impossible to find out what the state is doing in our name, in our area. I am a Greater London MP—or a Middlesex MP, as we prefer to say. I am told by London Councils that £74 billion of public money is being spent in London, £5.6 billion of which is being spent by 169 non-departmental public bodies, 15 of which spend about 80 per cent. of that money. I would like to know what they are doing in Hillingdon. How hard can it be to get that information? It is absurd that in 2009 my local authority does not know what the Metropolitan police are spending in the borough of Hillingdon, or how much flexibility the borough commander has over that budget: they need to be partners. There has to be a better way, and the public know it. This place should need no lectures about the public appetite for greater transparency. It is growing, and we must respond to it.

That is what the Act was intended to do, but what was actually delivered? One year after it was ratified it was formally launched at the LGA by the then Secretary of State, who had inherited it from her predecessor. Two things were clear to me as I sat in the audience. The first was that local spending reports were barely on her radar screen, and that she saw political risk in them because of the potential comparisons between areas. The second, which came from talking to officials, was that one year on, no real work had been done on making the local spending reports happen in a substantial way, even though they were due to be published six months later. That told me that there was no leadership or political will at the top of the Department, and that not enough time had been allowed to make the system work. Members can take their pick between cock-up and conspiracy. In my experience these things are normally cock-ups, but that is not the perception among supporters of the Act. The message that we received was that there was no political will at all driving the process.

I should say that it is not all bad news. As the hon. Member for Stroud said, we should take encouragement from how many councils responded to the Act despite wholly inadequate local spending reports. The LGA, acting in its role as selector, now has a large number of proposals to sift through, some of them very radical indeed. However, the LSRs were a big disappointment. The starting point was wrong, with the ambition limited to local authorities and primary care trusts, as the responses to the short consultation made clear. As the Secretary of State said, the Government responded and added lines of expenditure, but not enough. They did not even begin to engage with quangoland, and there were glaring exceptions, as my hon. Friend the Member for Meriden and my right hon. Friend the Member for Charnwood have ruthlessly exposed.

Moreover, the relevant information is quite hard to find, being tucked away in pretty impenetrable Excel spreadsheets in the bowels of the departmental website. People find it difficult to engage with them, and they are given no prominence at all. Disappointingly, everything indicates that, as the LGA puts it, the first LSRs

"reflect a minimalist approach to the concept of, and commitments to, Local Spending Reports as discussed in Parliament during the passage of the Sustainable Communities Act".

It states that they

"fall short of the ambitions for LSRs shared across all political parties at…local level."

That sense of disappointment is shared by local authority leaders in Wealden, who have said that the LSRs

"fall significantly short of expectations and are of little or no value in developing proposals".

According to Merton council,

"it is questionable about how useful this information is given that a great deal of it is already publicly available and that the data included is very high level".

The truth is that the Government have simply repackaged information that, for those who could be bothered to look for it, was already in the public domain. The Secretary of State trotted out 96 different reasons why it was all so difficult, straight out of the Sir Humphrey playbook, but he did not convince us.

What makes the situation even more frustrating is that the Government actually appear to be committed to the mapping of expenditure. They have developed their own project, Total Place, which we have discussed at length, and they support it with taxpayers' money, but they drag their feet on local spending reports. That looks to me like a bad case of "not invented here" syndrome. *[Interruption.]* The Secretary of State groans, but that is our perception.

The hon. Member for Stroud made a good point about potential confusion in the marketplace between LSRs and Total Place, and how the two will be reconciled. The debate has been useful in giving us a sense of the Government's aspirations in that direction and highlighting the value of having the Treasury fully bound into the process, which we acknowledge. Still, the fundamental question is: if it can be done in Cumbria, why can it not be done elsewhere? I am not sure whether we have had sufficiently good answers to that. If part of the problem is that central Government do not hold the information, why can they not go and get it? If the problem is that the Department does not have the power of information gathering, we must consider what can be done to change that situation, and whether it is worth having that debate in public.

My concern is that local spending reports have not told local authorities' leaders anything that they could not have found out for themselves. For those who went ahead and submitted proposals there is no visibility to show when they will get a decision on them, and for those interested in making proposals at a subsequent phase, there is no visibility to show how that will work. The risk is that an already sceptical market of local authority leaders will shrug their shoulders and move on. That will frustrate the grass-roots campaign that believes in the process and wants change.

I think that the Government have misread the mood, and a large number of organisations feel the same way, including Unison, the Public and Commercial Services Union and the Federation of Small Businesses. A range of organisations have expressed disappointment and have urged the Government to do better.

[Mr. Nick Hurd]

The Government have set out their stall. They say, "Give us a chance. We're getting there. As you know, government is terribly complicated and we've got to be careful about costs. There's terrible inertia out there." My response is that we will judge them by their actions, not their words. We have heard plenty of words, but they have not delivered.

I have three tests: first, let us hear a statement from the Department on how it intends to try to reach agreement with the LGA on submitted proposals. The Department is silent, and it should not be. Secondly, let us hear the Government make it clear that this process is not a one-off, and that local authorities will have the opportunity to submit new proposals in the near future. Thirdly, let us set a timetable for the delivery of effective local spending reports that include quangos—my hon. Friend the Member for Meriden made the very good point that it is actually in quangos' interest to do more to explain to the public what they do, to justify their existence.

I am sure that government is complicated, but I am also sure that it is less so when people are clear about their priorities and really drive them. Effective LSRs cannot be that hard, because Total Place pilots seem to have the information. There will be costs, but they must be tiny compared with the efficiency savings that should be the dividend of greater transparency; that point was made by the hon. Member for Falmouth and Camborne.

Transparency must be a priority now. If the Minister has any doubts about that, I urge her to look at what is happening in the USA. Months, not years, after the election of President Obama, the default setting was changed from closed to open. Look at the Missouri accountability portal. It is not an obscure Excel file, but four buttons to click on. Look at SeeThroughNY, USAspending.gov or data.gov, the strapline of which is "Discover. Participate. Engage." In America, they have been bold in opening the books, throwing open the doors and letting the light and the people in. They do it because they know that it will be the catalyst to engagement, efficiency and innovation; here, we continue to live in the dark.

That is not the future. The 2007 Act has wedged the door open and it will not close again. I urge the Government to listen to Parliament, embrace the future, change the default setting to open government, not closed government, start to treat people intelligently and commit now to full local spending reports that include quangos—and just get on with it.

3.47 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): This has been a very important debate on a subject that, I believe, goes to the very heart of democracy and participation in our country. The quality of the contributions has been high, which I hope has made up for the rather disappointing quantity.

I was both disappointed and surprised, however, by the tone of some contributions. My right hon. Friend the Secretary of State made a very real attempt to draw on the cross-party nature of the 2007 Act and to describe the progress made, and the process that we have gone through, in an open and fair fashion, but the right hon. Member for Charnwood (Mr. Dorrell), despite his stated desire to be helpful, descended very swiftly—within seconds of starting his speech—into old-fashioned yah-boo politics. As a previous Culture Minister, I can assure him that I am very well aware how the Arts Council does its accounting. I can also assure him that we will be considering its inclusion in the December report, and also the inclusion of the learning and skills councils.

The right hon. Member for West Dorset (Mr. Letwin), who with my hon. Friend the Member for Stroud (Mr. Drew) was one of the midwives of the original Bill, adopted a more helpful tone, but the hon. Member for Meriden (Mrs. Spelman) made remarks about Government spending being veiled in secrecy, even though this Government introduced the Freedom of Information Act—some Members may wish at the moment that we had not done so. To suggest that this Government are not committed to transparency is ridiculous. I think that in her opening contribution, she established the suspicious and distrustful tone that permeated the debate in a rather silly and old-fashioned way.

Mr. Dorrell: I am sorry if the Minister felt that I was being overly partisan: I was simply seeking to put the Government under pressure to deliver shared aspirations. She said that she would look again at the Arts Council and, almost under her breath, that she would also look at the learning and skills councils to decide whether to include them in December. May we take that as a commitment that those exclusions will not be claimed by December? The Secretary of State virtually promised the inclusion of the probation service. Can that be included in the list for which the exemptions will be withdrawn?

Barbara Follett: Those are good things to look at, but beware the yah-boo politics—you are at it again.

Madam Deputy Speaker (Sylvia Hoult): Order. I remind the Minister about the need to use parliamentary language in this debate.

Barbara Follett: I apologise, Madam Deputy Speaker, for losing my temper.

The yah-boo politics were very obvious in the impassioned contribution from, and constant heckling by, the hon. Member for Falmouth and Camborne (Julia Goldsworthy). I admire her conviction and enthusiasm, and I enjoyed meeting her to discuss this subject recently. However, I did not admire her approach today. In fact, by the end of her contribution I began to feel a real need for a Relate counsellor in the Chamber. Her intervention was so filled with distrust and suspicion that I could not believe that I had spent half an hour talking to her about this previously.

Thankfully, Relate, in the form of my hon. Friend the Member for Stroud (Mr. Drew), was present. His well-balanced speech poured oil—

Mr. David Evennett (Bexleyheath and Crayford) (Con): This is very partisan.

Barbara Follett: Yes, but it is not yah-boo. My hon. Friend's well-balanced speech poured oil on troubled waters while simultaneously spurring the Government on to greater efforts.

The hon. Member for Henley (John Howell) made a thoughtful contribution, and I especially liked what he said about the silo mentality of government at all levels. He is completely right, and his remark about the role of ring-fencing in reinforcing that mentality has been noted and received with sympathy by the Government and by this Department, which has made substantial progress in reducing the amount of ring-fencing.

John Howell: I thank the Minister for that remark, although I am not sure that praise from someone on the Government Front Bench has done my career any good. May we look forward to the abolition of as many of the ring-fenced grants to local government as she can achieve?

Barbara Follett: The hon. Gentleman may certainly look forward to us looking at them. We need to move away from the old ways of doing things, and the hon. Gentleman's call for the transformation of the relationship between local and central Government was a good one.

In response to the direct questions from the hon. Member for Falmouth and Camborne, we will—as I said earlier—produce a report in December on the next stages of developing spending reports. On her question about when the next round will take place, it will be—as I again said earlier—when we have assessed and appraised this round. We will certainly consider the role of parish councils in the process.

Julia Goldsworthy: My question was not only about the reports that will be produced in December, but about whether there will be a debate and a vote on them.

Barbara Follett: That is something that has to be decided by the House. Because I had left that out, I was going to come to it at the end of my speech. I heard what the hon. Lady said.

The hon. Member for Ruislip-Northwood (Mr. Hurd) gave a clear summary of the progress of the Act and described my hon. Friend the Member for Stroud as the auntie of the Act. I am not sure that everyone would agree. The hon. Gentleman also said that transparency is the bedfellow of efficiency, which echoed the Secretary of State's remark that knowledge is power. Like the hon. Member for Meriden, however, the hon. Gentleman seemed to think that information on local spending can be accessed only through the spending reports. As they know, that is simply not true. I am Regional Minister for the East of England, and the regional development agencies produce huge numbers of accounts and reports that are available to everyone. We have also looked at their value for money, and for every pound spent, we get £4.50 back. That information is available and is not collated in with the local spending reports, although I hope that eventually it will be—this is work in progress.

Mrs. Spelman: Does the hon. Lady accept that the problem is that the RDA spend is not broken down by constituency? From time to time, we get a letter from the chief executive telling us a bit of good news, but it is piecemeal. Does she accept that one of the reasons the debate at times has been tense—although I would not characterise it as yah-boo—is the absence today of the written ministerial statement promised on this very subject? That has coloured Members' stances. That statement is still not in the Library.

Barbara Follett: I apologise for that omission. I have been told that it is in the Library. I also apologise, like my right hon. Friend the Secretary of State did, for the fact that we did not extend the normal courtesies and give it to the Front-Bench team. I shall personally ensure that it never happens again.

As the hon. Lady said, the information needs to be disaggregated, but, as someone who has spent many years attempting to get Government statistics disaggregated by gender, I can tell hon. Members that it is difficult and extraordinarily expensive. However, the Government and I are committed to open and transparent disclosure of public spending. We share that principle with other hon. Members. However, we share another principle—public money, especially in these difficult times, has to be used for the benefit of the people from whom it has been raised.

Most importantly, each pound of that money has to work harder than ever before. No one entrusted with the care of public money takes its use lightly, and we firmly believe that those who have earned this money should have the right to see exactly how it is being spent. That is why we are developing the concept of local spending reports alongside the Total Place pilots. I hope that that transparency will permeate everything that the Government do in the future, and that we can work in more accord with Opposition parties on this extraordinarily worthwhile venture.

Question put (Standing Order No. 31(2)), That the original words stand part of the Question.

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 234, Noes 289.

Division No. 232] **[3.58 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Carmichael, Mr. Alistair
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen

Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Otteway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Bill Wiggin and Mr. Stephen Crabb

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul

Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Meiriden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Steele, Dr. Howard
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Watho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Wooley, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
David Wright and Kerry McCarthy

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House recognises the role of strong, accountable local government in delivering high quality local services and entitlements to services whilst ensuring value for money; welcomes Government investment, through local councils, in providing real help now to families; reiterates the importance of providing information about local spending and service quality to ensuring effective scrutiny and value for money; further welcomes the passage of the Sustainable Communities Act 2007 and the Government's commitment to work with the Selector on its implementation, and believes that the first local spending reports published in April 2009 marked an important initial step in making local public spending more transparent; further welcomes responses to the consultation confirming the desire to see more data published; welcomes the Government's intention to extend local spending reports to cover all local public spending which can be readily provided in this format at reasonable cost; further welcomes the Government's proposals to extend local authorities' scrutiny of all local public service spending in their area; further welcomes the Total Place pilots mapping in detail all public spending in key services in 13 areas; further welcomes Sir Tim Berners-Lee's work advising Government on how best to make non-personal public data as widely available as possible; believes that these developments will enhance the Government's ability to provide local spending information in the most effective manner; and asks Ministers to report back to the House before the end of December 2009 on the next stages in developing local spending reports.

Future of the Territorial Army

Madam Deputy Speaker (Sylvia Heal): Order. Will Members who are not staying for the debate please leave the Chamber as quickly and quietly as possible?

I inform the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

4.16 pm

Dr. Liam Fox (Woodspring) (Con): I beg to move,

That this House expresses its continued support for the role of the Territorial Army (TA); notes that the reserve forces have contributed some 20,000 personnel to operations in Afghanistan, Iraq and the Balkans since 2002, most of them from the Territorial Army, and that 14 Territorials have died on those operations; deplores the decision made to freeze TA training, contrary to the recommendations of the Cottam Report, of which all seven strategic recommendations were accepted by the Government in April 2009; further notes the adverse impact the decision would have had on the TA's war fighting capability and its ability to respond to natural disasters and other contingencies in the United Kingdom; considers that there will be an enduring threat to TA morale, recruitment and retention as a result of the Government's lack of support; notes the leadership displayed by the Leader of the Opposition in opposing the cuts to the TA; and calls on the Government urgently to take steps to mend the damaged morale of the TA.

Let me begin by paying tribute to Corporal Thomas "Tam" Mason of The Black Watch, 3rd Battalion The Royal Regiment of Scotland, who died from wounds at the Royal Centre for Defence Medicine in Selly Oak on Sunday, and also to Corporal James Oakland of the Royal Military Police, who was killed in central Helmand province on Thursday 22 October. While we think about the families of those who have been killed, we also think about the families of those who have been injured, whose lives will never be the same either.

Through good times and bad, the Territorial Army has given a proud 101 years of service to this country. Since 2002, reserve forces have contributed some 20,000 personnel to operations in Afghanistan, Iraq and the Balkans, most of them from the Territorial Army. Fourteen Territorials have died on those operations. Today we are debating the future of the TA because of the cuts that the Government proposed to TA training, which in the past 24 hours have been rightly and swiftly reversed.

All Governments make mistakes. All people make mistakes. Smart people recognise them and rectify them, and exhausted Governments dig in. What is worse, they tend to try to delude themselves that the bad decisions are actually difficult decisions with hidden virtue. Let us face it: we have seen it all before. Some of us have lived through it before. Here is the recipe. Typically, you take a relatively small sum of money to be saved and find the most politically costly way of doing it. Then, when you run into trouble, you backtrack and make concessions. When threatened with a Back-Bench revolt, you perform a spectacular U-turn, so that you actually save no money at all but spend the maximum amount of political capital. That is exactly what we have seen in recent days on the TA issue.

Although they were forced into it, the Government made the right decision by performing a U-turn on the shameful cuts in TA training, because the cuts would have had a long-term impact on recruitment and on the overall future readiness of the TA. Whether or not an individual is deployed on operations, regular and routine training is required to ensure medium and long-term readiness levels for any future deployments, whether to Afghanistan or to another unforeseen destination.

Pre-deployment training is meant to augment, not supplant, routine TA training. The weekly and monthly training gives the TA the skills that are required to allow them to perform alongside their regular Army counterparts. It also gives our Territorials the esprit de corps and confidence to work together as a unit in challenging circumstances, whether at home or in Helmand. How can a Territorial who has not been to the range for six months, driven an armoured vehicle for six months or trained with his comrades for six months be expected all of a sudden to conduct several weeks of pre-deployment training and be ready for deployment on the front line? The answer is that no Territorial can be expected to do that, which is why the cuts were wrong in the first place.

Mr. Lindsay Hoyle (Chorley) (Lab): Does the hon. Gentleman agree that it was right for the Prime Minister to intervene and overturn a decision by Land Command? Does he agree that the problem with Land Command is that it is easy to pick on the TA and never pick on the regulars?

Dr. Fox: And it is very easy to pick on the generals instead of the politicians, because if people are given a set of bad choices to choose from, they are likely to make unwelcome decisions.

Andrew Selous (South-West Bedfordshire) (Con): Does my hon. Friend recognise the particular anger at the Government's recent TA policy that is felt by people such as a 20-year-old undergraduate constituent of mine who is due to go to Afghanistan next June and who relies on his TA pay for income?

Dr. Fox: Indeed I do, and I think that there is a degree of hurt and resentment that will not quickly go away in many of those who feel that they have been slighted by events of recent days.

Ann Winterton (Congleton) (Con): Does my hon. Friend agree that when the Army was asked to make cuts amounting to £43 million, the regular generals were rather Machiavellian in choosing to cut the TA budget, knowing that that would be very unpopular with the country and that it would probably be reversed? Is it not, however, also at a stroke a blow to the one Army concept, because what will the TA now think about the regular Army, and in particular the regular generals?

Dr. Fox: My hon. Friend puts her finger on the key point that there will be long-standing damage to morale as a consequence of what has happened in recent days, and that cannot easily be rectified by a U-turn by politicians.

As a result of all these points, one must ask why the Government considered such cuts to begin with, when almost all the advice they received runs against such a decision. On training, the Cottam report—whose seven strategic recommendations were accepted in full by the Government—said:

"Training is pivotal to the Proposition. The delivery of training should be overhauled to make it more relevant, consistent and correctly resourced."

The Government said these cuts would not have a long-term impact on providing Territorials for Afghanistan, but that is not the view of senior Army officers. According to the "Land forces in-year savings measure communication plan" dated 12 October 2009, the

"TA trained strength may fall from 20,000 to around 18,000 by 1 Apr 2010, putting at risk the TA's ability to deliver 700-800 trained soldiers for Op HERRICK from 2012 onwards."

The excuses given by the Government also need to be scrutinised. As always, there is more than meets the eye. We were told that money had to be found to fund new recruits. On Monday, the Minister of State, Ministry of Defence, the hon. Member for Harlow (Bill Rammell), said that

"recruitment to the Army has experienced a significant boost this year—over 1,000 more recruits are expected to complete training than did so last year—but those additional recruits need to be paid for."—[*Official Report*, 26 October 2009; Vol. 498, c. 23.]

Because of this recession—the longest recession since records began, and longer than the Government expected—and the media recruitment drive of the past year, there are more recruits in the regular Army than there is money to train them from the Government budget. The Government have demanded savings from other areas of the Army to fund this, but the Government knew last year that regular Army recruitment was already taking off.

On recruitment, the Chief of the General Staff briefing team report of 2008 stated:

"We are making progress and the figures are showing early signs of recovery. The recession will also help but we must not be complacent and must continue to be innovative with recruiting methods, reduce waste in training, and retain those currently serving."

Such a direct message from the head of the Army should at least have been a warning to the Government, so why did the Government not plan to fund their own target numbers for recruitment, especially when we are in a war? I understand that they probably believed that they would fail in this, as they have in so many other things, but why were no financial contingencies made?

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Does the hon. Gentleman agree that the case he is making on the Government's proposed cut to the TA budget highlights the following point? The Government's claim that they were not overstretching the Ministry of Defence with the demands that they placed on it in recent years and under-resourcing is completely contradicted by the fact that they felt that such a cut to the budget had to be implemented.

Dr. Fox: Indeed, and many of the myths the Government have been peddling in recent times have been blown apart by events of the past few weeks. If there really is a problem in funding all the new recruits, and if money was going to be diverted from the TA budget to address that but now that is not going to happen, where will the MOD find the money that will still be required to fund those extra recruits? What other areas will have to experience cuts because the Government failed to plan properly?

That brings me to the other excuse given by the Government—it is perhaps even more telling. The Secretary of State said in a recent debate:

"We are adjusting the core defence budget to reprioritise Afghanistan".—[*Official Report*, 15 October 2009; Vol. 497, c. 469.]

Yet the Government have repeatedly told the House in recent years that they

"always finance our military commitments overseas out of the reserve".—[*Official Report*, 5 February 2009; Vol. 487, c. 1083.]

It has always been the House's understanding that the wars in Iraq and Afghanistan would be funded from the reserve and would not have an impact on the core budget. If operations in Afghanistan are fully funded from the reserve, why does the Ministry of Defence need to adjust the core budget to reprioritise operations in Afghanistan? What is the MOD core budget paying for that the Treasury is not?

One of the most telling things that the former Prime Minister Tony Blair ever said was contained in one of his long farewell tour speeches. When speaking on one of Her Majesty's ships he said, "Under Labour, we have kept spending on defence constant at about 2.5 per cent. of GDP, if you include Iraq and Afghanistan." In other words, the conflicts in Iraq and Afghanistan were being fought on a peacetime budget, and that has always meant that there would be some impact on the core budget. It is now clear that— as many Members of the House have said in many debates in recent times—all costs associated with operations in Afghanistan will not be paid in full above and beyond the core defence budget.

Lembit Öpik (Montgomeryshire) (LD): Does the hon. Gentleman agree that the key issue is that the Government, rather than feeling remorse or a sense of error in what they have done, have retreated due to political pressure? Does he agree that, as he rightly points out, the strategic imperative to invest in the Army is clear-cut, but the Government seem to be trying to make savings on a tactical basis and that that means there is a continuing danger?

Dr. Fox: That is a little unkind; a surrender is a surrender. We are always willing to accept one from the Government, especially when they have already got things wrong. This whole episode has taught us a number of things. The Secretary of State says that the Chief of the General Staff agreed to these cuts, but if someone is given bad options, they are likely, inevitably, to make unwelcome choices. This Government have shown that they do not understand the ethos of the TA and of volunteering; the MOD failed to prepare for the upshot in recruitment, even though it was warned a year ago by the head of the Army; and, finally, operations in Afghanistan are not fully funded from the reserve, as the Government wanted us to believe.

Mr. John Gummer (Suffolk, Coastal) (Con): Has my hon. Friend noticed that whatever the mistake, the Government always blame someone else and never take responsibility? The Government asked for the cuts; the Government knew what cuts were proposed; the Government accepted those cuts; and the Government should be ashamed of themselves.

Dr. Fox: I must tell my right hon. Friend that inside this Government they play the blame game extremely well—now they are even blaming one another. No. 10 is briefing at this very moment that this was all the MOD's fault and that No. 10 rode to the rescue of the MOD to save it from itself; our Prime Minister, the great champion of the armed forces and long-term advocate of their welfare, has come to the rescue of the Secretary of

[Dr. Fox]

State, who clearly does not understand these issues. After the shocking report that we saw this morning about the long-term consequences of what has happened with the cultural shift in the Government, the Prime Minister is not on a strong wicket when it comes to blaming anybody else for the state in which our armed forces find themselves.

The Cottam review acknowledged that reservists remain vital for supporting national resilience and recognised the very important role that they play in connecting the armed forces with the nation. I know that I speak for the vast majority in the House when I say that I could not agree more. The connection between each community and each local TA unit makes the TA worth its weight in gold, and it can never be taken for granted—I might suggest that after the past week's events, politically it might never be taken for granted in the same way again. The TA plays an important role in Afghanistan. The Secretary of State knows that, because he sees it on his morale-boosting tours there, one of which he recently completed with the Home Secretary—goodness knows how depressed one has to be before one's morale is boosted by the Home Secretary and the Defence Secretary on tour.

This whole episode that we have witnessed in recent days smacks of a Government who no longer make joined-up decisions and whose political instincts have gone walkabout. What do they cut to reprioritise MOD funds for Afghanistan? Do they cut waste, bureaucracy or inefficiency? No, in order to help the war effort, they reduce the training for the troops who may be needed for the war effort. The trouble is that the act of doing so means that many of those in the TA might be gone by the time that the Government need them. We could not make up this level of incompetence. The TA represents some of the bravest and best things about Britain; the Government represent some of the most pointless and useless. It is time to go.

4.30 pm

The Secretary of State for Defence (Mr. Bob Ainsworth): I beg to move an amendment, to leave out from the second 'operations;' to the end of the Question and add:

"welcomes the Government's additional £20 million ring-fenced by the Treasury for Territorial Army training; and further welcomes the Government's policy to ensure that TA members deployed to Afghanistan are fully and properly trained for their role and to ensure that, for all TA members, normal training will take place in the evening and at weekends."

The Territorial Army and the UK reserve forces make a vital contribution to keeping our country safe—to defending our citizens, territory, interests and national security. They also make a vital contribution to the fabric of our society as a whole. They represent important values: a strong volunteer ethos, a commitment to service, giving back to society and the values of community.

Several hon. Members *rose—*

Mr. Ainsworth: I shall give way in a moment.

Our reserves are no longer held in the role they served during the cold war, that is, for direct territorial defence. The TA has become an integral arm of the Regular Army, supporting the operational commitments of regular forces as set out in the strategic defence review.

Almost 20,000 reservists have served on operations since 2003, including 15,000 members of the TA, and 650 reservists are serving in Afghanistan, some 7 per cent. of all of the forces deployed. As the hon. Member for Woodspring (Dr. Fox) said, 14 members of the TA have died on operations in Iraq and Afghanistan and more have been wounded, 31 returning with potentially life-changing injuries. Their sacrifice must not and will not be forgotten.

Mr. Hoyle: Will my right hon. Friend give way?

Mr. Ainsworth: In a moment.

Against that sacrifice, and to ensure our essential national security, Afghanistan comes first for defence. It gets first call on money, first call on equipment and first call on training and support. We are spending increasing sums from the Treasury reserve and the defence budget to do that. Additional spending on operations in Afghanistan has risen from £700 million in 2006 to more than £3 billion this year.

Patrick Mercer (Newark) (Con): Will the Secretary of State give way?

Mr. Ainsworth: In a moment.

We have approved more than £3.2 billion of urgent operational requirements specifically for Afghanistan. That additional spending has allowed us to more than double helicopter capacity compared with 2006, to quadruple the number of mine-protected Mastiff and Ridgback vehicles compared with six months ago, to increase the number of specialised troops and equipment to target the improvised explosive device networks, to deploy about 1,000 more troops in a little over six months and to budget for a further increase of 500 if the conditions that we have set out are met.

Several hon. Members *rose—*

Mr. Ainsworth: I shall give way to a number of hon. Members in a moment.

Afghanistan First is not only a matter of drawing on the Treasury reserve. Many parts of the core defence budget contribute too, including spending on recruitment and basic training. We need to make tough choices with resources if we want to keep equipment, manpower and support flowing to Afghanistan. The hon. Member for Woodspring said that all we did was to give the Army bad options and bad choices, and that we should not have been entirely surprised when they came up with the decisions that we took. He also said that we failed to plan properly. One can plan all one likes and can come up with all the options that one likes, but who is coming up with the money? I am hearing people from the Liberal Democrat and Conservative Benches—

David T.C. Davies (Monmouth) (Con): Will the Secretary of State give way?

Mr. Ainsworth: I shall give way to hon. Members in a moment.

I am hearing Liberal Democrat and Conservative Members who agree that Afghanistan is the top priority, but whenever it comes to prioritisation they are not prepared to make the hard choices that are necessary in order to bring it about. I should like to hear a little more than, "Do a little more planning", or, "Give people

some different options." What options? If people are saying that more money should be spent, let them say where it is to come from.

Several hon. Members *rose—*

Mr. Ainsworth: I shall give way to my hon. Friend the Member for Chorley (Mr. Hoyle), and then to a selection of hon. Members.

Mr. Hoyle: I thank my right hon. Friend for giving way. The Government have a concept of one Army, made up of regulars and TA members. Will he use his offices and best endeavours to ensure that the Government's commitment to rebuilding a unified TA will be at the top of his priorities?

Mr. Ainsworth: Yes, I want to do that, but there are people both inside and outside the House who criticise us because they believe that Afghanistan, where we have 9,000 people deployed, must be our main effort and priority. One cannot have more than one first priority. Afghanistan is my first priority.

Several hon. Members *rose—*

Mr. Ainsworth: I give way to the hon. Member for Newark (Patrick Mercer).

Patrick Mercer: I am most grateful to the Secretary of State. He is making some extremely good points, but he keeps using one word that is wrong. He keeps referring to "operations", but surely we have gone beyond that. What is happening in Afghanistan now is war, and the mistake is that, by trying to divide the Territorial Army from the regular Army, the Government will not be on the war footing needed to deal with a war situation.

Mr. Ainsworth: That is just semantics—*[Interruption.]* Yes, it is. I am saying that Afghanistan is the main effort. No one dares to disagree with that, but no one is prepared to make the choices necessary to deal with the problem.

Several hon. Members *rose—*

Mr. Ainsworth: I give way to the hon. Member for Canterbury (Mr. Brazier).

Mr. Julian Brazier (Canterbury) (Con): I am most grateful to the Secretary of State for giving way. As chairman of the all-party reserve forces group, may I say, on behalf of the group's members in all parts of the House, that we are delighted that the correct decision has now been taken? I know that both the right hon. Gentleman and the Minister for the Armed Forces have taken a considerable interest in this matter, but will they ensure that longer-term planning takes account of the fact that reserve forces, as the American experience has shown repeatedly, can play a much bigger part in making defence cost-effective?

Mr. Ainsworth: I accept that, and I know that the hon. Gentleman is aware that, like him, I have had a real interest in the Territorial Army for many years. In the long term, we have to sort this issue out.

Several hon. Members *rose—*

Mr. Ainsworth: I shall make some progress with my speech, and then I shall give way some more so that we can deal with the points that have been made about how to deal with the TA in the long term.

Before I turn to the TA itself, I shall set out the scale of the challenge. There are enormous pressures on the MOD budget in the short term that have been brought about by a number of factors. Those include the fact that we must ensure that operations in Afghanistan have the support required, not only from the Treasury reserve but from the defence budget as a whole, and the difficult fiscal situation that demands that each Government Department must live within its means. Other factors, as the hon. Member for Woodspring pointed out, are the economic slow-down that has impacted on our planned revenue, such as that from the defence estate, the fall in the value of the pound against other currencies that has impacted on the costs of our overseas interests, and a boost in recruitment, to the Army in particular, that has exceeded expectations and requires additional investment.

That means that tough choices have to be made now. The Chief of the General Staff came forward with proposals from the Army for savings of £20 million in TA expenditure. Those were part of a package that included other measures such as saving money on the hire of civilian vehicles, clothing, entertainment, accommodation, and cadets. This was not one thing alone. Hard choices had to be made in order to deal with the issues that we are faced with, and to give the priority that we must and want to give, on which, in principle, we all agree.

I consulted closely with the Chief of the General Staff before approving these measures. In the Army's view, there were no alternatives in the uncommitted in-year budget that would be less damaging. In the short term the Army has been clear that these proposals could be managed without impact on support to current operations. Let me be clear: no one deploys to Afghanistan without the required training. No TA soldier is deployed on operations unless the Army is satisfied that he is properly trained and prepared.

Dr. Fox: For the sake of clarity, we know that more recruits have come forward than expected, but the Army is still below the target level set by the Government. Is the Secretary of State telling us that the Army is not funded for its establishment figure?

Mr. Ainsworth: We have—I make no apologies for this—agreed not just with the Chief of the General Staff, but with all the single service chiefs, that we will ensure that Afghanistan is the main effort. In order to do that, nobody was prepared to say anything other than that when the opportunity to recruit to the Army was there, it should be taken, and it should be taken in full. There is no doubt that that, in part, caused the in-year problems, along with the other issues that I have spoken about.

Mr. Adam Ingram (East Kilbride, Strathaven and Lesmahagow) (Lab): I wholly support what my right hon. Friend is doing, and understand the pressures that he is under and the messages given about Afghanistan First. I remind him that the last time we had a Tory Administration in this country, they came up with Front Line First, which halved the TA and stripped hundreds of millions of pounds out of the training budget for the Regular Army, which resulted in some of the problems that we inherited at Deepcut and elsewhere.

Mr. Ainsworth: I thank my right hon. Friend for pointing out the contrast between the record of the Opposition and that of the Government. The budget has increased over our period by 10 per cent. in real terms since 1997. As my right hon. Friend points out, that is in marked contrast with the last five years that the right hon. Member for Suffolk, Coastal (Mr. Gummer) was in power. There were cuts of £500 million a year for the last five years of the last Tory Government. I shall give way to him so that he can explain why that happened.

Mr. John Gummer (Suffolk, Coastal) (Con): First, does the right hon. Gentleman agree that under our Government, we were not at war, and we are now at war? Secondly, will he please explain in plain English the word "additional" in his amendment to the motion? Since when has replacing a cut been additional? Additional means more, not merely putting back what he has stolen.

Mr. Ainsworth: I have in this year's budget an additional £20 million ring-fenced in order to restore the TA cuts. I am very grateful to the Treasury which, as we all know, has some difficulties itself, for providing those additional funds.

Several hon. Members *rose—*

Mr. Ainsworth: Let me make some progress.

As I said, no TA soldier is deployed on operations unless the Army is satisfied that he is properly trained and prepared. I have listened to the comments and representations made by hon. Members in recent days, and I understand the concerns that have been expressed about the effect on retention in the TA. In the light of those representations, and with the assurances from the Treasury that additional ring-fenced money will be made available, we have decided to maintain the normal TA training regime. That will be restored as quickly as possible.

Looking forward, the Department undertakes an annual planning round in order to prioritise and allocate available resources for the next financial year. This process has not been concluded, but we will have to look at all parts of the budget in the round. Measures from across other parts of defence are being considered to bring budgets into balance and these will be set out as decisions are made. Such difficult decisions are being taken by working with the service chiefs, not against them.

I am determined to protect operations in Afghanistan. That is my bottom line. Tough choices cannot be made without consequences. The media and the Opposition have been calling for more focus on current operations. They cannot will the ends and oppose the means. The hon. Member for Woodspring tries to have his cake and eat it. He cannot preach austerity, as the shadow Chancellor does, and then call foul on any measure that is proposed to relieve budget pressures.

I can assure the House of the Government's continuing and long-term commitment to defence and to the UK reserve forces and the Territorial Army. After years of overall cuts under the Conservative party, this Government have increased spending on defence since 1997 by 10 per cent. in real terms. As part of that investment, we are seeking a better and more intelligent use of the reserve forces to ensure that all parts of defence contribute to the whole in a way that is both efficient and effective.

On 28 April this year, I published a strategic review of reserves and I made a statement to the House. The MOD agreed the seven strategic recommendations made by the review and work is under way to implement 46 of the 89 detailed recommendations. Those include 10 of the 12 detailed recommendations related to training, all of which have been completed or are progressing. The reserves review was all about the long term; about better management, better training and the integration of our reserve forces. It also established a mandate for change, in order to allow greater flexibility and utility in the employment of our reserves. It set in place a strategic framework for how we will integrate, train and support our reserve forces, and develop a strategy for the management of the volunteer estate.

The implementation programme—programme Citizen—is progressing well, but work on recommendations beyond those already endorsed will require additional resources; not planning, not options, not semantics, but additional resources. We are implementing as much as we can from the reserves review within the bounds of the resources currently available. Headquarters Land Forces is in the early stages of developing options for the shape of a future Territorial Army, but a defence review must come first and set the parameters for the use of our armed forces.

Mr. Adam Holloway (Gravesham) (Con): The Secretary of State speaks about additional resources. Why is it then that our soldiers, including members of the Territorial Army, are still making what our commanders describe as unnecessary road moves because of lack of helicopters? On 8 September, a private company went to the MOD and offered 12 MI-17s, 12 Bell 142s and one MI-26, which would have provided about 2,500 additional flying hours, fully weaponised and fully conditioned for theatre, flown by former RAF pilots. Why was £7 million a month, just over twice the housing benefit payments in my constituency, not spent in order to get our troops out of the danger of improvised explosive devices?

Mr. Ainsworth: The hon. Gentleman has just heard the figures on our increased spending in Afghanistan. He wants increased spending over and above that, on helicopters; he wants increased spending on the TA; he wants us out of Afghanistan—

Mr. Holloway: No, I do not.

Mr. Ainsworth: Well, the hon. Gentleman's problem is that his hon. Friends on the Conservative Front Bench do not agree that there should be additional spending on defence—quite the reverse: they are planning cuts in defence. They cannot hide behind charlatan words, they have got to come to a point.

Mrs. Madeleine Moon (Bridgend) (Lab): I thank my right hon. Friend for finding the additional funds for the Territorial Army and its training. That is important. However, I remind him of the consequences: when we had 17,000 troops in Northern Ireland under the previous Conservative Government, it damaged the concept of one Army. Will he make sure that work is done to rebuild that concept, and that the Chief of the General Staff is made responsible for ensuring that such work takes place?

Mr. Ainsworth: I say to my hon. Friend, who has taken an increasing interest in defence matters over a period, that I do not think that there was any work or planning on reserves during the Conservative party's period in office. We are trying to do that planning, but we have to do it realistically, and resources are a part of the issue.

At this point, we should not limit our options or be prescriptive on setting boundaries. Once the work is complete, and in the context of the defence review, we will have established a robust and agile framework through which the reserve forces' capability can meet the future demands of defence.

We can look forward, confident that UK forces will continue to be a force for good in the world. The UK's reserve forces, including the Territorial Army, are an integral part of that vision, playing an increasing role in defence both at home and on operations abroad.

4.52 pm

Willie Rennie (Dunfermline and West Fife) (LD): For the first time ever, I had the Defence Secretary on his knees. Before his speech, he was begging for forgiveness, but unfortunately it was only for the fact that he has to leave early for an appointment at 5 o'clock. I forgive him if he leaves, but I am sorry that he will miss the brilliant speech that I am about to give.

I associate myself with the remarks made by the hon. Member for Woodspring (Dr. Fox), who paid tribute to those who have fallen in recent weeks. I also make special mention of Corporal Tam Mason, who was brought up in Rosyth in my constituency. He is one of many from Fife, and particularly West Fife, who have fallen serving their country, and I pay tribute to him.

The hon. Member for North-East Milton Keynes (Mr. Lancaster) is not present, but I pay special tribute to him for the way in which he has gone about dealing with this matter, offering his advice and expertise to try to reach a sensible solution. He and I sat together on the Defence Select Committee for some time, and I am sure that other Committee members will attest that he was a valuable member.

I also wish to praise other hon. Members: the former Defence Secretary, the right hon. Member for Airdrie and Shotts (John Reid), and the hon. Member for Chorley (Mr. Hoyle), who is present. There has been a truly cross-party effort, and it is a tribute to the House that we have come together to find a practical solution. That is why I was disappointed by the Conservative leadership, which has chosen to seek all the credit for the outcome. The overnight change in the motion, which praises the Leader of the Opposition, reveals the real motivation for the debate. Unfortunately, the Conservatives may be more interested in themselves than in the TA. We will not rise to the cheap political wheeze that they have undertaken overnight. We will vote for the motion because we believe in the TA, not because we believe in the attempts by the Conservatives or their leader to make cheap party political capital out of this debate. However, I do not want to be distracted by that cheap stunt.

Following the Government's welcome change of heart, we must examine the reasons why we are in this position in the first place. There were numerous reports about the potential effects of these cuts, including tanks not being able to be driven more than 9 miles in any one month and having no live rounds on ranges. I am sure that the Defence Secretary would say that none of this was true because these decisions had not been made and it was up to local units to make them, but if the detail of those cuts had not been established, that would have been equally terrible. Ministers should have had some foresight about their potential effect. If they were working in the dark and had not done their homework on this last-minute cut, then that is irresponsible.

Tony Baldry (Banbury) (Con): Given that these cuts have been reversed, is not the most damaging thing about all this its effect on the TA, as my hon. Friend the Member for Congleton (Ann Winterton) said? Those of us who served in the TA thought that we were part of one Army—that our training was as good as that of any regular officer or soldier standing alongside us, and we often did the same job that people are now doing in Afghanistan. Sadly, when it came to the crunch, Ministers gave the impression that senior officers in the Army were ready to ditch the TA. We do not know whether that is true, but it will undermine relations between the TA and the regular Army for years to come. That is the most damaging aspect of what has happened over the past few days, and it cannot be reversed.

Willie Rennie: Next time I make a speech, I will sit a wee bit further along so that the hon. Gentleman cannot read it. He makes exactly the points that I planned to make, and does so in a forceful and valid manner. The long-term damage that has been caused to the divide between the regulars and the reservists will take some time to recover. There will be a constant fear that next time the pressure comes, perhaps in less politically sensitive times, the TA may again be offered up for potential cuts. Having that hanging over the TA all the time will be extremely debilitating to its morale and operations.

Mr. Hugo Swire (East Devon) (Con): I completely agree with the hon. Gentleman. It will be debilitating to those seeking to join the TA and to those in the TA, but equally so to employers, who have recently been so patient so often in losing their employees. What message does he think that the Government's shenanigans and volte-face over the past 24 hours are sending to employers?

Willie Rennie: The hon. Gentleman is spot on. The 2006 National Audit Office report specifically referred to the fact that many of those in the TA—about one in three—reckoned that there was insufficient support for their employers. To make further cuts on top of that surely does not send the right message to employers that they should take seriously their contributions to the defence of the nation. That is causing even more damage.

When we have time to plan, we can often find innovative ways to do things, or see that the same job can be done with less money. However, that operation takes time. Emergency cuts such as these are rarely efficient and often destructive. What Department would be able to cope with this proportion—30 per cent.—of its budget going in one fell swoop? What Department would be able to cope with such a massive reduction with just a few weeks' notice? No Department would be able to cope with that—it would be absolute chaos. That is what would have happened to the TA had the cuts proceeded.

[Willie Rennie]

This is an indication that the MOD is in a financial hole that it has dug for itself. It shows that Ministers have lost control of their budget. Let me take as an example of that something that is close to my heart and that the Minister hears me going on about all the time—the aircraft carriers, which are finally going to be commissioned on Rosyth. There have been two incidents recently. The first is the last-minute two-year delay, which is putting an extra £1 billion on the budget, taking the costs from £4 billion to £5 billion. That has been planned for years, but suddenly, at the last minute, there is a change of tack and an increase in the time scale of two years, and it costs us an extra £1 billion. Secondly, there have been recent reports that the carrier spec will be changed so that one carries aeroplanes and the other carries helicopters. We do not know whether that is true, as Ministers have not told us, but if it is, it has again happened at the last minute. That is no way to run a defence budget, and such emergency cuts are having a huge impact on how we are running our defences.

In recent months, the Prime Minister has made great play from the Dispatch Box of Labour's desire to protect the front line and cut backroom bureaucracy. As the Secretary of State leaves the Chamber, I wonder whether he will appear on the next party political broadcast to use the cuts proposed for the TA as an example of how that has been achieved. This episode surely damages Labour's claim that it is protecting the valuable and slashing waste.

What message does the episode send to the TA? A former major, Mark Cann, who served for 12 years with the TA, recently said that the cuts would be a significant deterrent to new recruits and would send

"a message from the politicians at the top that 'we don't value you'."

There is already dissatisfaction. The 2006 NAO report showed that one fifth of TA members were not satisfied with the level of training that they were given. If cuts are made to a level of training that was already inadequate as far as TA members were concerned, surely that will cause the TA further damage.

It is often difficult to tell exactly what is going on in the MOD. It does not tell us an awful lot and its budgets are opaque. We found out about the cuts because the TA is in the community and we have friends and relatives who are part of it, but what else has happened? What other cuts have been made that we do not know about? Will there be a series of parliamentary statements over the coming weeks to explain what else is being considered? The Secretary of State enlightened us on some matters, but I presume that they are only part of what is being considered. We would like to know what else is going on so that we can help. We have helped on this occasion, with a cross-party effort to find a solution to the problem, and if Ministers trusted us a little more with information we could perhaps help them even more.

It is interesting that the RAF and the Navy have not come to the same conclusion as the Army about their reserves. Why is that, and did Ministers seek their advice before making their decisions about the TA? Perhaps the Navy and RAF are not as cunning as the Army. I suspect that, as was suggested earlier, the Chief of the General Staff knew that the cuts would create huge uproar and would be reversed and that he would get his own way. If he is that cunning, that is interesting, and I wonder why the Secretary of State did not see it coming. Perhaps he is equally cunning and was trying to persuade the Prime Minister that the cuts were not palatable, and it has been an organised plan all along. I wish that the MOD could be so organised and well planned more often.

Mr. Crispin Blunt (Reigate) (Con): Will the hon. Gentleman reflect on the role of special advisers? They are meant to spot these things coming, and there has been a 100 per cent. increase in their number in the Department since 1997. I wonder whether the taxpayer is getting value for money.

Willie Rennie: Point well made.

The situation calls into question the Government's judgment. It was already in question over the Gurkha situation, which they mishandled badly. For a long time they misread the mood of the public, who had great passion for the Gurkhas. Unfortunately, the same team of Ministers has made the same mistake again. They have misread the public mood, and I do not believe that they have the judgment that is required for such decisions.

We do not really know where the £17.5 million has come from. We understand that it is perhaps from the Treasury, but what is going to be sacrificed in return? It would be interesting to know what that sacrifice is, and we should be told in the interests of transparent government. The Prime Minister made great play of the power of this Parliament when he was first elected Prime Minister, but we have not heard an awful lot of that since and we do not have an awful lot of transparency. If we are to have power—if we are to be empowered in this Parliament—we need the information on which to make such judgments. In his summing up, will the Minister tell us what has been sacrificed in return for the £17.5 million or £20 million?

The cuts would have had significant consequences for morale, as we have heard, and for retention and recruitment—if the regular drill nights were not taking place, people would break the habit and no longer be hooked, exacerbating the reserve-regular divide. Having the one Army has been developing well in recent years, but unfortunately I think that this situation will do significant damage. Even mentioning cuts will have damaged the TA, which will be concerned that the cuts will be offered up in future.

As we all know, those in the TA are not amateurs just because they are part time; they are professionals—the Minister also believes that. There are numerous examples of heroic acts in the TA and people have been awarded the military cross or honoured for their bravery, such as Private Luke Cole and Lance Corporal Darren Dickson. A TA regiment protected a NATO headquarters following a car bombing. Those people were commended for their bravery and for their commitment to the TA. Unfortunately, even mentioning cuts does huge damage to the TA's morale and effectiveness.

The Minister will be pleased to hear that I have some praise for the Government. Back in 1998, they slashed the size of the TA from around 56,000 to 41,000 as part of the defence review. They were heavily criticised at the time and came under considerable pressure to change course. It took them about four years to recognise that

mistake, but it has taken them only 14 days to recognise this one, which is an incredible improvement. They should be commended for recognising their mistakes via a speedier process. Perhaps the NHS could learn a few things about reducing waiting times and recognising mistakes.

I also praise the Government for engaging with Members, listening to their advice and acting. It has not been a comfortable time for the ministerial team, but the way in which they have handled the concern deserves commendation. However, the original decision was suspect.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Before I call the hon. Member for Stockton, North (Frank Cook), I remind the House that at the moment there is 15-minute limit on Back-Bench speeches. Judging from the amount of interest that is being shown, it would be helpful—without me having to alter the limit—if hon. Members could try to keep well within it. In that way, everyone should be satisfied.

5.8 pm

Frank Cook (Stockton, North) (Lab): I first alerted Mr. Speaker that I would seek to catch his eye in this debate on Monday evening, after listening to the hon. Member for North-East Milton Keynes (Mr. Lancaster) and having had my own thoughts as I was doing so. However, developments have shot a major hole in the arguments that I had in my heart and mind at that time. Being a simple man—I am not stupid—I shall salvage what I was going to say and make a couple of simple points. I hope that it will take nothing like 15 minutes to do so, Mr. Deputy Speaker.

Before those developments, I had intended to begin my speech by referring to a report entitled, "New Roles for the Reserve Forces" and I shall do so now. I wrote the report in November 1994 and presented it to the NATO Parliamentary Assembly, which accepted it in full. I pointed out a number of things in the report: that there were jobs that the reserves and Territorials could do that were not being done at the time; how they could fill in for the regular Army; the difficulty that reserve forces had in obtaining their release because employers were less than happy to let them go, for however short a period; and what a good job they could do. The report has been picked up over the years—not because I wrote it, but because it made sense. The reserves have proved themselves well worth the confidence that has been placed in them.

At that time, there was a major gap between the Terriers and the regulars. Many regulars looked on them as part-timers who would be more of a liability than an asset. Many of the part-time commissioned ranks were not readily allowed to take command of regular units. That has all changed.

I have been to Afghanistan five times, and on three of those occasions the driving and protection units that took care of us were so-called part-timers, there for three or four months. They were so professional that it is difficult to describe. There was no difference between the full-time regulars and the Terriers. That happens because confidence has been built up throughout the units. It happens because those so-called part-timers have had the time to do the bonding necessary for the esprit de corps that we emphasise so strongly in all our regular units. They become regular units of their own kind.

When the suggestion was made to reduce the ability to continue that bonding, I thought that it was bordering on the insane. I received an e-mail today from a constituent. His name is Ken Milner. I do not know him, but he lives in Lutton crescent in Billingham. He says:

"Dear Sir"—

I do not know why he calls me sir, as most people do not afford me that kind of courtesy—

"now the PM has done a u turn on this, if in fact he was ever driving it forward. You have to feel sorry for him at times? Could I ask you to still keep pushing the Government/MOD to be sensible!

The original decision affected 19,000 casual workers, if we were categorised as part time they would not have attempted it. But that will never happen, too expensive for the Country and then our Generals and Ministers would be restricted by employment Law.

We already do a lot in our own time at our own expense from the top to the bottom, from an Officer to a Recruit. But to expect a system to maintain a standard but not train is plain daft."

He then makes a nice point, saying:

"A 5 a side football team would not lay off for six months and then be ready to play in a final."

That is an effective way of describing the situation that we were facing.

I am pleased that the reversal has been made, but I want to consider why it came about. Who first dreamed up the idea, and for what motive? At first glance, it has the paw prints of accountants all over it—those who know the cost of everything and the value of nothing. For that reason, I look in the direction of the Treasury. Even if someone on the general staff made a detailed suggestion, it must have been motivated by pressure from elsewhere. That is not a healthy way to approach our defence.

I make an appeal for all these matters to be considered in a non-partisan fashion. Defence is not a party political issue. When we consider defence, we are talking about lives—the lives of those whom we send to do our bidding, whether in this country or someone else's; the lives of those associated with them, their parents and kindred; and the lives of those with whom they might come into conflict.

Our whole consideration should concern the degree to which we incur the cost of life, the spending of life and the wasting of life. I know that the Secretary of State must consider the economics of the situation. He talked today about options, and I listened to him, but although cash considerations might be important, they must be secondary.

There is another matter that I must bring to the Government's attention. It is not a personal matter, but I must put it in almost personal terms: we heard of the importance of Afghanistan, and it is important that we achieve our goal there, although I am not talking about victories; there will be no victory in Afghanistan. There might be gain, and we might allow the Afghan Government to get their security forces into such a position and state that they can look after their own affairs—and the sooner that we can do that the better—but we will not do that by cutting the dedicated resources that we put into it. We need to increase, rather than reduce.

We must ensure that we provide sufficient equipment and personnel. I had the privilege only five weeks ago of listening to Stanley McChrystal, who brought out his

[Frank Cook]

new ideas on how to attend to the Afghanistan problem. When he told me his ideas about treating the Afghan people, rather than the Afghan territory, and when he outlined the additional risk to our personnel that will be experienced there, I pointed out to him that I had been going there for some years and that I had heard David Richards, then McNeill when he took over from Richards, and then McKiernan when he took over from McNeill. I said, "Look General, it's all right you giving us this. You're selling this to me, and I can buy it. It makes sense. But what happens in 12 months' time when somebody else comes in with some new ideas?" He said, "No, that won't be the case. I'm going to be here in 12 months' time." I said, "But you've got a family to take care of." He said, "No, I'm here for as long as it takes, and so is Rodriguez," —one of his No. 2s—and so was his civilian aide, apparently.

The whole situation there is changing in a crucial way. Initially, the risks will be higher. Our resources need to be stronger. More personnel are needed—and the determination must be more resolute. I tell the Ministry of Defence not to make again the same mistake it made this time. That mistake was in looking only at its fiscal assessments and what money it had to play with, rather than at the lives dependent on the money. Do not make that mistake. That is what accountants get paid for—and that is what they get cashiered for.

5.18 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I declare that I was a Territorial Army soldier. I was commissioned in 1980 and left in 1992 as a rifle commander. I was part of the Royal Regiment of Fusiliers and was incredibly proud of my time in the Territorial Army. I did not do it for money or because I wanted to become a major in the Army. I did not do it because I saw it as a grandiose way of furthering myself. I did it because I felt that it mattered. I had another life, and at the weekends I dropped my family and did my job. Two weeks of the year I went off and trained. I went to Germany, Gibraltar, America and Canada. What was I doing in these places? I was not on jollies; I was helping out the Regular Army. That is what the TA is.

When I joined, there was an A4 poster showing two soldiers in the old tin-pot helmets and with the old self-loading rifles and bayonets, and the slogan was, "If you were the Russians, could you tell which was the TA?" The answer is no, Mr. Deputy Speaker, you could not, any more than you can today. When those soldiers go out anywhere in the world, unless you know from the shoulder flash that they are from a Territorial unit, or unless you ask them, you cannot tell the difference, and the difference certainly does not bother the enemy, as has been proven time and time again.

However, the problem is that we have seen change being made to the TA, which has never been good. I remember my hon. Friend the Member for Reigate (Mr. Blunt), when he was a special adviser to the then Secretary of State, my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), changing the rules for employers so that people could be deployed. We have come an enormous way in getting the TA out, but the most crucial part of being in the TA was not being there for the weekends; rather, it was that people could train with those men. What will disappear faster than anything else is the coherence of the formed unit.

The Rifles have just been out in Afghanistan. What made their tour successful was training together. The people in the Rifles joined together, commissioned together and went through the battle camps together. They were there together. I was interested to hear the Secretary of State say that the programme would be put back as quickly as possible, but we have troops training all the time to go. Even specialists in the Territorial Army train as formed units, and they go as formed units.

If we send a trooper out—I will give the Minister an example in a second—without knowing that unit or the blokes behind it, we will have problems. I have experience of that from 1990, when my regiment was in Germany, mech training—in other words, in armoured cars. The Gulf war came along, and the 3rd Battalion the Fusiliers was told that it was being deployed, but it did not have the men. We were in Aachen, where we were rung up and asked, "Could you supply a company of troops immediately?" The colonel came and said, "I need roughly 150 men to go to Iraq." We were only on a two-week camp. The blokes put their hands up almost to a man to go with the battalion—and the Minister will remember that that battalion had a friendly fire incident in the Gulf war.

Those men did not shirk; they went out. The reason why the colonel could do that was that the men in that unit knew each other. They could join the battalion because they knew what they would have to do. The company commanders who were there at the time said that they were superb. In fact, Lord Bramall recently quoted an officer who said at the time, "Thank goodness for the Territorial Army." We make the difference when the difference is required.

However, it goes beyond that. When we go to remembrance parades and see the lords lieutenant doing their thing, or when we see events in our constituencies—we all have the same thing—who is augmenting the regulars? It is the Territorials on parade, because we do not have the resources. Not only are the Territorials the public face of the military a lot of the time, because the troops are away doing other things, but they are the face of recruiting. Let us be honest: the reason why we are recruiting at the moment is the recession. That happened in the '90s, too, when recruiting went up. People will join because they cannot get jobs elsewhere, but that will not last.

Mr. Brazier: Will my hon. Friend give way?

Mr. Liddell-Grainger: Of course I will give way to the Parachute Regiment.

Mr. Brazier: I am listening to my hon. Friend's excellent speech. On a longer-term issue, his vital point about formed units appears, to put it mildly, pretty thin in the Cottam review. Although there is much in the review, about properly resourced individual training and so on, that we as a party welcome, if it is the blueprint for the future, would he join me in urging the Government and those on our Front Bench to look hard at getting the idea of formed units more firmly written into the Cottam review?

Mr. Liddell-Grainger: My hon. Friend is absolutely right. He served honourably in Territorial units and he

knows exactly what he is talking about. What he has just described is one of the problems. There are now very few Members of the House who have had the time, or whatever it may be, to serve in the military. Those who have done so, as Territorials or as regulars, will know exactly what the background is, and why this is so important. The formed unit principle is the backbone of the Army. The Marines, the Navy and the Royal Air Force are slightly different, in that they have specialist units. The Marines go as battlefield replacements, which is very different. The Army does not do that; it goes as a unit, because of the strength of the regimental system.

The Territorial Army also takes a lot of boys—and now girls—who in other walks of life would be in prison, or at least in serious trouble. It gives those people respect, meals, a uniform and above all, discipline. That is never talked about, but it is the reality. Those young kids are given a chance. How many young kids get the chance to serve their country while trying to do something else at the same time? The answer is very few.

Mr. Blunt: That is why the cuts to Army cadet training are so appalling, too. Those cuts need to be restored at the same time as this problem is addressed.

Mr. Liddell-Grainger: I thank my hon. Friend, who served honourably in the cavalry. There is absolutely no doubt that the cadets feed the TA, which feeds the regulars. It is a top-to-bottom Army. Who trains the cadets? It is mainly ex-Territorials or ex-regulars, who have the necessary experience. If we do not have those people, they will not be able to do that.

The crux of the argument is that TA units can augment local situations as well. If we get rid of the TA through not training it, it will not be available for deployment. Unless the Government give a firm commitment, not only now but for next year and the year after, that they are not going to cut the TA—an organisation of people who do this because they want to, and that has augmented from Dunkirk until now, and given 100 years of unselfish service—this will be a poorer country, and we will certainly have a poorer military, and a poorer TA.

5.27 pm

Mr. Lindsay Hoyle (Chorley) (Lab): It is pleasing that we are having this debate, which will allow us to express our views, and our commitment to and support for the Territorial Army. There is an issue here, and a lot of hon. Members on both sides of the House believe in the TA and want this money reinstated. There is a minority who want to make political gain from this, but the TA is not a political football and it ought not to be used in that way. We need to ensure that its future is safe for ever and a day, and that there will always be people in this House who are willing to stand up and be counted when pressure, cuts or the reorganisation of the TA are discussed. We must ensure that that voice remains.

I spoke about this on Monday, when the Minister of State, Ministry of Defence, my hon. Friend the Member for Harlow (Bill Rammell) drew the short straw. I accused him of being an apologist, and very emotional language was used in that debate. He has now taken the right decision, after the matter was taken away and considered by Ministers. It took the involvement of the Prime Minister to sort it out, but we have got the money back. We have achieved our objective, and I thank the Prime Minister and the Secretary of State for listening and for doing the right thing by the TA. That is what this is about.

Sir Robert Smith: It is important, in the follow-through, that the Treasury really delivers this as extra money for the defence budget this year and does not find a way of taking it back from that budget by the back door.

Mr. Hoyle: This commitment to the armed forces, and the expenditure, have continued to increase, and I want to see that continue, to ensure that these proposals do not return once we get into the next financial year. The challenge that we are now leaving with the Ministers and the Treasury is to ensure that that does not happen.

This was also a problem in the 1990s, and people might say that they did not like what happened in the '90s. This experiment was tried by the previous Government at that time, and it failed. It failed miserably because, as far as the TA is concerned, we cannot turn the tap on and off. To say, "We don't want you today, but we'll come back for you in six months," is totally unacceptable. We should have looked at the history and realised that, if the experiment did not work in the '90s, it will certainly not work now. There is a lesson for us all, especially the Ministers, to learn here. When these matters are put before us, let us just dust them down and remember what happened previously.

I will explain what happened previously. A colleague of mine, Major Tom Ronagan, who is retiring a week on Thursday, is the longest-serving major in the British Army. He joined as a boy soldier in 1962; he served in Aden right through to the Balkans; he is a major of 64th Sea Squadron Chorley Medical Regiment, formerly the King's Own Borderers, which has a great proud history. He said, "I saw this happen in the '90s. It was decimation. When the notice went out to say the TA cut was taking place, you could not keep up with the kit that was being thrown through the door at us." The then Government said, "We have got this wrong. We are changing our minds. We are going to put the money back into the TA." They ended up getting on the phone, ringing round to say "Please rejoin. Don't give up on the TA." Mistakes have been made in the past; those mistakes must never ever be made again. That is what we have to learn from this exercise; that is why it is so important to overcome political point scoring.

I rightly challenged the Prime Minister to intervene personally; in fairness, the Prime Minister did. I pay my thanks to him, as he took the right decision. It is always interesting to look back in the light of mistakes. The late 1990s and the first decade of the 21st century have seen the TA assume an exceptionally high profile. It has moved from being a force of last resort to becoming the reserve of first choice in support of the regular Army. That is the key. The support the TA gives to the Regular Army makes the concept of one Army so important: there is no difference between the Army in uniform and others training side by side. That concept has been badly dented, although I do not say destroyed. It has been badly affected. That is why it has to be rebuilt. Land Command has to realise that it is not a cheap shot to take on the TA when tough decisions have to be taken; it must not take this easy option again.

Mr. Brazier: I am most grateful to the hon. Gentleman for allowing me to interrupt his really excellent speech. As a point of detail, the Government got one thing

[Mr. Brazier]

right by having a focus for reservist advice in the centre, but does he agree that it is extraordinary that the director general of the Territorial Army, with 33,000 people in his organisation, is still only a one-star officer?

Mr. Hoyle: I totally agree: promotion is wanting and it should be given. I wholly agree, and the higher up the ranking we can go, the better it will be. Not so long ago, it only went up to brigadier; at least we have now achieved a general—only for the second time, I believe, so we should of course go up to a two-star officer. The hon. Gentleman is absolutely correct about that.

We can all score points, but we should think about the effect on our armed forces. We all remember the Balkans. When the Cheshires were serving out in the Balkans with redundancy notices in their top pockets, it had a devastating effect on recruitment and the future of the Army—just as this recent episode has done. Please, Ministers, learn from this. It is crucial to do so.

Afghanistan has, of course, proved a major challenge to the regulars and the TA. Serving out there is without doubt a challenge for both of them. We pay tribute to those who have lost their lives and those who have suffered horrendous injuries. There is no doubt that the investment we have put into the medical services has been crucial to getting people badly injured on the front line back to Selly Oak and to ensuring that they get the best of treatment. We must recognise that lives are saved that would previously have been lost. We must ensure that we never lose that commitment.

I also lost a constituent, Royal Marine Holland, who tragically died in Afghanistan. We know the heartfelt experience of seeing a body coming back to this country for burial; there is nothing more moving than seeing someone come home in those circumstances after serving their country. It is a tragedy when we lose so many young lives. We have to invest: whatever the requirement, whatever the need, we must meet it. We can do so only through commitment—and not, as I say, by point scoring.

I want to touch on another issue very close to my heart—the Royal Gibraltar Regiment, which is not allowed to serve in Afghanistan. Although it has served in both Iraq and Afghanistan in the past, for some unknown reason someone has decided that it is not insured to serve in Afghanistan, which is an absolute tragedy. We were promised that the bar would be reviewed and lifted, but—I do not blame Ministers for this, because the matter never reached them—someone somewhere in the chain of command prevented that from happening. The regiment contains both regulars and TA members, and it seems ridiculous that people who wish to serve cannot do so. I hope that the Minister will investigate, will shake people up within the command structure, and will ensure that the decision can be changed.

The Minister of State, Ministry of Defence (Bill Rammell): I have asked for a meeting with officials tomorrow to discuss that very issue.

Mr. Hoyle: I am in danger of always congratulating the Minister: I must do so once again now. I welcome the news of that meeting, and hope that he will secure the right decision for the Royal Gibraltar Regiment.

I sometimes turn up to join the medical squadron at Chorley, which, backing up the 5 GS Medical Regiment, has played its part in Afghanistan. This year it has been deployed in Germany. We have also been deployed during a training exercise in Jersey, and we have been out to Cyprus. The TA is not backfilling purely for Afghanistan; it is backfilling in other parts of the British Army. That is what we are good at. We roll into whatever the requirement is, whenever we are called upon. Of the 69 in our strength, 29 have served in deployment during the last 12 months. I think that it is good that we can call on the TA in that way.

Let me say this to Ministers, and to all other Members who are present. We have learned a lesson, and, as I have said, I believe that that lesson will not be repeated. I hope that Ministers will take on board the message that the TA is important not just to the House but to the country.

Ann Winterton (Congleton) (Con): The hon. Gentleman seems to be approaching the end of an excellent speech, but before he finishes, will he tell the House how he believes the dented one-army concept that he mentioned could be undented? What does he believe the Government, the MOD, the regular generals and everyone else must do to reassure the TA that it is very much part of the overall Army structure, and that we are very proud of it?

Mr. Hoyle: The first solution was to reinstate the money, and I think that that has gone furthest towards achieving the aim to which the hon. Lady refers. As for the second solution, I think that Land Command, along with Secretary of State, ought to issue a statement saying how valued the TA is, and that it will continue to be valued. I think that that is where the repair ought to start and that it is the way in which to remedy some of the damage that has taken place, but I am sure that the Minister will come up with some other great ideas.

Mr. Swire: Does the hon. Gentleman not think it would also be appropriate for the Secretary of State, or even the Prime Minister, to summon business leaders to reassure them of the Government's commitment to the reserves and the TA, and encourage them to continue to release them when they are needed?

Mr. Hoyle: Absolutely. We cannot give thanks enough to the businesses in this country that allow their employees to go out to Afghanistan, or wherever they may be deployed. It interrupts business, and puts a strain on small businesses in particular. I cannot give enough thanks to the businesses in our area in Lancashire, because without doubt we would not have been able to deploy the numbers that we have deployed without their support. I want to be able to reassure businesses—and I am sure that the Minister has taken this on board—that the TA has a future, that we welcome their commitment to the TA, and that there will be an equally strong commitment from the Government. We must retain that link, and ensure that it will never be destroyed.

It will be a privilege to walk to the Cenotaph on Remembrance Sunday with the TA, and we must give thanks to it now that it has passed its 100th birthday. We have already celebrated the centenary of what is a modern TA—a TA that we look forward to seeing

throughout the next 100 years. There are many tough decisions ahead, but this Government must never, ever make the wrong decision again.

5.39 pm

Mr. Hugo Swire (East Devon) (Con): This has been an unhappy day for the Ministry of Defence and the ministerial team. It started off with a statement on Nimrod that exposed institutional flaws in MOD culture, and now Ministers have had to come to the Front Bench to acknowledge a volte-face as a result of the Prime Minister's direct interference.

There has been much recent talk that this House should become more responsive to events and that topical debates should respond to the events of the day. If such proposals had been put in place, we probably would not be having this debate, as it was chosen at a time when the future of the Territorial Army was under greater threat, with the threat of withdrawing £20 million—then reduced to £17 million—from the training budget. None the less, we are where we are and most of us welcome the fact that the Prime Minister has intervened and instructed the Secretary of State for Defence to return us to the position we were in about three days ago.

Mr. James Gray (North Wiltshire) (Con): My hon. Friend makes an extremely good point about topical debates. It is worth remembering that this debate was called by the Conservative Opposition—and also that we forced the Government to make their U-turn on the decision—in a week when the topical debate is on the safety of fireworks. That is what the Government believe to be important.

Mr. Swire: Indeed, and I asked in last week's business questions whether we could have a debate in Government time on the TA, and I was told that that was being looked at. This debate is not being held in Government time of course, but it is worth pointing out that when the recent announcement was made from No. 10, the Prime Minister said it was the right thing to do. Yes, it was the right thing to do, and therefore cutting the TA training budget was manifestly the wrong thing to do. I think Members of all parties can be united in agreement on that.

Mr. Hoyle: We must dismiss that last point. Members from both sides of the House came together. Rightly, Back Benchers went to see the Prime Minister and put on a lot of pressure. The House working together is what changed the decision, and we should acknowledge that instead of engaging in this cheap political point scoring.

Mr. Swire: Yes, as I said, we are where we are. I do not believe there has been much political point scoring from those on the Conservative Benches. Quite a number of my hon. Friends are actively serving in the reserve forces and the TA, and often are not here in the Chamber because they are deployed in Afghanistan. It is hard to claim that they are trying to score political points.

The Secretary of State's speech and the rest of the debate have highlighted the confusion as to whether the Army is at full strength. The Army is clearly not at full strength, but, by the Secretary of State's own admission, the Treasury has not provided sufficient funds if the Army were at full strength. In other words, the Army is—as it ever was, and as it will continue to be—reliant on the reserves and the TA. As has been pointed out, this economic recession—in large part created by this Government—has driven up the number of men and women who are queuing up to join both the TA and, in particular, the Regular Army. That could, perhaps, have been anticipated.

I want to say again that the recent political events have caused huge upset in the TA. I am not sure that the Government fully recognise the damage that has been done, and I therefore draw their attention to some of the websites on Facebook and the Army Rumour Service web forums so that they can see for themselves how those involved in the TA feel about what is going on. The word "closed" has been put over the TA sign in many instances. Of course the TA is not closed—quite the reverse—but I think the Government need to reassure the TA that it is an integral part of one Army and that it is appreciated for what it does. As I will continue repeating, and as the hon. Member for Chorley (Mr. Hoyle) mentioned, the Government must also reassure employers, and particularly small employers who suffer disproportionately when their employees are sent abroad on active service, that they too are playing an integral part in this war in Afghanistan.

It is a war in Afghanistan. It is not an operation or a deployment; it is a war, and if the Government were to admit that, we might not have the cheese-paring of the defence budget that has got us into this situation in the first place.

I wish to discuss one more thing about the TA: how we look after its members when they are not deployed. Those in the Regular Army are quite well looked after even after they leave it, although there is a lot more that we could do on issues of mental health; we had a debate about that the other day. The difference is that when those in the TA return from active service they are, often within 48 hours or just a little longer, back to where they had left—in their regular jobs—without the supporting infrastructure of the regimental family, which can so often look out for those suffering mental distress as a result of having served. A disproportionate amount—I believe it is the majority—of those in the TA are serving, particularly in Afghanistan, as medics and come across far more horrific incidents than many of those in the regular forces. We need to examine what is being done should they encounter problems when they get home.

The reserves mental health programme, which has been available to TA and regular reservists since January 2003, is doing a good job. It is a helpful programme, but it does little to overcome soldiers' reluctance to come forward to discuss mental health issues. Again, it is much easier if problems can be identified within the regimental family or the unit, but it is much more difficult when people have disappeared back into the society from which they came. A Royal British Legion survey of 500 general practitioners conducted in spring 2009 across England and Wales found that 85 per cent. knew nothing about the programme. That is a completely unacceptable figure, and I ask the Minister to see what he can do to increase awareness of the programme for the TA when its members are not serving.

Mr. Brazier: My hon. Friend is making a very powerful point. Would he like to endorse remarks made by an individual from the King's centre, which is working on military mental health? It said that when the Territorials

[Mr. Brazier]

go as part of a formed unit with their own mates and their own officers the incidence of these problems is very much the same as in the Regular Army, but when they are taken off as individual reinforcements—this is for exactly the reasons that my hon. Friend has described—the incidences are much higher.

Mr. Swire: Yes, of course I do. That is why I welcome what the shadow Secretary of State has said about mental health follow-up telephone calls, as are made in America, to all those who have served in the forces, be they TA or Regular Army, for some years after they have been deployed and when they return.

I do not wish to detain the House for longer than I have to, because this debate almost need not take place now. I conclude by saying that on 8 November there will hardly be a Member from either side of this House who will not be taking part in Remembrance Sunday, honouring those who have given their lives for this country. When we stand in front of our Cenotaphs—I shall be in Exmouth, where we maintain that we have more wreaths than anywhere else, save the Cenotaph in London—we will not be remembering the gender or age of those who have died, we may not even be remembering the unit in which they served and we certainly will not be remembering whether they were in the regular forces, in the TA or in the reserve forces; we will be honouring them equally, because they have paid the ultimate price in giving their life for this country. If they are treated equally by us in death, so they should be treated in life by the Ministry of Defence.

5.48 pm

Mr. Nigel Dodds (Belfast, North) (DUP): I wish to speak briefly on behalf of my party on this extremely important matter, which I and a number of other hon. and right hon. Members have raised at business questions over the past few weeks.

I very much welcome the Government's reversal of their original decision on this £20 million cut. In this short debate, we have listened to some very powerful speeches, particularly from Members who have served or are serving in the Territorial Army. It is important to hear their contribution because, as the hon. Member for Bridgwater (Mr. Liddell-Grainger) has rightly said, we should be listening carefully to those Members who have first-hand experience and who know what it is all about.

I also respect the views expressed by other Members, such as the hon. Member for Chorley (Mr. Hoyle), who spoke powerfully, too. Members of parties have taken a common position of great concern and anger, reflecting the views of our constituents and of those who have served and are serving in the reserve forces, at the decision that was originally announced by the Government a number of weeks ago.

Among Labour Back Benchers and in the ranks of the official Opposition, the Liberal Democrats and the minority parties, there is a common view that that was the wrong decision. I welcome the fact that the Government have taken that on board and have come forward quickly to reverse that decision. We know, as has been spelled out, the damage that would have been done to recruitment, retention and morale—I do not want to rehearse all those arguments. The important issue that has been rightly highlighted and emphasised today is the longer-term damage that has been done. We can reverse the financial cut and restore the training and so on, which is quite right, but damage has been done, as mentioned by the hon. Member for Congleton (Ann Winterton) and others, to the concept of one Army.

Morale and the difficulties that it will cause for the future will need to be addressed. The Government, those in charge of the Territorial Army and others in the regulars need to turn their minds to how they will tackle that issue. They must make it clear, as the hon. Member for Chorley said, that they will not repeat this mistake ever again. We must recognise the extremely valuable and important part that the Territorial Army plays in our armed forces and that we cannot turn on and off the training and all that goes with it and expect things to carry on as normal. If the men and women are needed, they should be there and able to respond with the necessary degree of preparedness.

I want to comment on an issue raised by the hon. Member for Bridgwater. The Territorials are the public face of the military in our constituencies. They are the face of recruiting and the men and women who will be seen on parade at Remembrance day events in the run up to Remembrance Sunday.

In my part of the world, Northern Ireland, we have the military band of the Territorial Army, which is now the only band in Northern Ireland that represents the armed forces. I received a number of representations, as did a number of my right hon. and hon. Friends, from members of the Territorial Army who were very concerned at the fact that they were being asked to come along to events to commemorate the service of so many in Northern Ireland over the years—the sacrifice that has been made by so many in our armed forces—but were being told, "If you're going to go along, you're not going to get paid. Indeed, you might not be given permission to go along at all." That was extremely detrimental, demoralising and a terrible blow to those men and women. It would be a terrible signal to send out to the people in Northern Ireland, given the fantastic and gallant service and great sacrifice of our armed forces in Northern Ireland over the years.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I attended a concert recently where the band of the Royal Irish Regiment was playing in aid of the Army Benevolent Fund. Is it not the case that if bands are cut back and are unable to perform in such a way, it affects not only the public face of the Army through the Territorial Army bands but the ability to raise money through the Army Benevolent Fund and other charitable organisations that supplement what the Government do for those who have paid a very high price, either through death or serious injury, and to help their families? For that reason, we should continue to support the bands and what they do.

Mr. Dodds: My right hon. Friend makes an extremely important point. The Royal Irish Regiment band has raised a tremendous amount of funds and resources, and he is right to highlight that important aspect of the debate.

It is right to put on record again the thanks of the whole House to the men and women of the Territorial Army for their sacrifice and work over the years on

behalf of our country. More than 1,000 men and women from Northern Ireland have been in operational deployment in Afghanistan and Iraq, and that is a significant proportion of the reserve force in Northern Ireland. They go willingly, but they deserve the full support of the Government and the Ministry of Defence.

They need to know that they will have the training that they need to achieve the necessary degree of preparedness. We have heard all sorts of elaborate and Machiavellian conspiracy theories in this debate about who might have been responsible for the cuts proposal in the first place. Whoever they are—whether they are in the Ministry of Defence or among the generals—they must learn the lesson from this episode, and from the strong feelings represented on both sides of the House this afternoon. That lesson is that never again can such an approach be taken, and that the Territorial Army and the reserve forces must get our full support as an integral part of the Army.

5.56 pm

Chloe Smith (Norwich, North) (Con): I rise to speak on behalf of the 20 members of A Company Third Royal Anglian Regiment who are being deployed to Afghanistan from my constituency. Previously, more than 100 members of that company have been deployed to Iraq and Afghanistan, and a further 150 from the overall regiment will be going to Cyprus in 2011. That serves to underline the need for ongoing training, as I am sure that hon. Members from all quarters of the House agree. I join the tributes paid by this House at Prime Minister's Question Time and on other occasions to the work of our armed forces. I know that all hon. Members agree with me in that regard, too.

This political fiasco has rolled on for 48 hours, during which time I have been touch with the captain of A Company Third Royal Anglians. He is based locally in Norwich, and I want to highlight to the House a number of the things that he told me. Other hon. Members know far more about battlefield activities than I do, so my intention is to speak about the other activities that my local troops tell me that Territorial Army members undertake for their country.

Members of the Territorial Army devote a huge amount of unpaid time to their country. For example, they prepare lessons during the week, outside the training hours that we have been debating. They also make phone calls to troops and their families, and write endless e-mails—we all know how much time e-mails take up every day.

Not only do Territorial Army members run training, take part in training and see action on the battlefield, but they provide welfare for troops on deployment and for those troops' families. The Territorials' work includes running the family coffee mornings and doing the small but essential things that I hope that colleagues with more direct experience than me acknowledge have to take place.

My contact with troops in my constituency, and the political fiasco that has taken place here, have made it clear to me that the unpaid time that troops put in, and the good will that they commit, are not the only things that we must acknowledge. We must also be aware of the vulnerability that they suffer if they do not receive the training that they need, and of the fact that they need time and resources to carry out the welfare work for troops and families that I have described.

Of course, I join other hon. Members in welcoming the reinstatement of the training budget. I am sure that no one here would disagree with that, but the Government must take further steps to put matters right. It is not just a public relations disaster: it is also, as other hon. Members have made very clear, a disaster for morale, recruitment and retention. It is also a potential disaster for the future safety of our troops and our country if it is considered acceptable for a Government to execute such a U-turn when it comes to our troops' welfare.

The Government should be ashamed of themselves. If they are not ashamed already, I shall finish by quoting one further point from the A Company captain:

> "We will have no formal representation at the Norwich Remembrance Parade as I won't insist that troops attend when they are getting no financial compensation (even travel expenses) and I am not authorised to spend money on fuel to run the Company minibus from Aylsham Road to the City Centre and back."

I see that hon. Members are shaking their heads at that. To me, that is shocking and something of which the Government should continue to be ashamed, even after the U-turn that they have made this week.

I welcome the constructive tone of the rest of the debate. There is much good feeling in the Chamber that should be built upon for the future, but there is still something rotten in the state of the MOD, if it is considered acceptable not to support troops, whether part-time or full-time, in getting to a Remembrance day ceremony. Many Members, myself included, are wearing poppies today, to show our support for the Royal British Legion and the work that goes into the run-up to 8 November this year and Remembrance day every year. Will the Minister—and, indeed, the now absent Secretary of State—join me by putting his hand in his pocket and giving 20 quid to my Norwich heroes?

6 pm

David T.C. Davies (Monmouth) (Con): I begin by paying tribute to Rifleman Jamie Gunn, Private Kyle Adams and Private Richard Hunt, who lost their lives in Afghanistan. I spoke to some of their parents this morning. The experience of attending their funerals and meeting their families has made me realise beyond any doubt that the real cost of the war in Afghanistan is not measured in money. That is irrelevant. The cost is in human lives. That is one lesson that we should all remember.

My own military experience is far more humble than that of those soldiers or of many hon. Members. I spent 18 months in the Territorial Army in 104 Air Defence Regiment in Newport back in the 1980s, at a time when the TA was seen in a very different light from the way it is seen now. We were not seen as being quite the same as Regular Army troops, and we were often jokingly referred to as the SAS—the Saturday and Sunday soldiers, or in terms rather less polite than that.

However, I learned quite a few lessons from the experience. Perhaps the most important was this. We used to train in three different ways. We would turn up every Tuesday night, every other weekend and for two weeks at the annual camp. I presume that the training schedule is fairly similar today. The one thing that I knew even at the age of 18, without a lot of experience of life, was that that weekly training session, the so-called drill night, was extremely important.

[David T.C. Davies]

I do not know what was going through people's minds when they thought it would be a good idea to get rid of that training. Did they think that drill night meant just a number of people marching up and down, and that that was not important? That is not the case, and it has not been the case for any unit, as far as I am aware. Drill night consisted of a little bit of drilling, yes, but also vehicle maintenance, weapons training, fitness training, map reading—a host of activities, all of which are vital soldiering activities. More than that, there was something else going on that may not have been quite so obvious to us at the time. We were knitting together and becoming cohesive as a unit. It is very important that people who are full-time civilians and part-time soldiers think of themselves as soldiers on a regular basis. That is what that one night a week enabled us to do.

The amount of money that we were being paid was very small. At that time of my life, I was doing manual jobs, but I did not think the money was particularly great. Nobody was doing it for the money. It was not about the money and never has been for TA soldiers, because any one of them could go and earn far more doing something else if they wanted a part-time job. But the money is important, because it sends out a message to people who are willing to give that commitment. It sends a message that the state respects them and wants to thank them for the time that they are giving up.

I can speak from personal experience only about the late 1980s. It is quite different now. The level of commitment is much greater. I never thought for one minute that by joining the TA in Newport, I would ever be sent off to war. It is highly unlikely that I would have been, and in fact I never got beyond Salisbury plain, but people who join the Territorial Army these days know that it is very likely indeed that they will end up in a war zone. The regiment that I represent, the Royal Monmouthshire Royal Engineers, has sent dozens of soldiers out to Iraq, where they have performed brilliantly. They will be deploying to Afghanistan later this year. These are people who have comfortable civilian jobs back in Monmouthshire, yet they are willing to spend six months of their life in a war zone for very little reward.

Dr. William McCrea (South Antrim) (DUP): I am sure that the hon. Gentleman accepts that many of the members of the TA have served with great distinction in both Iraq and Afghanistan, and that the Government need to show that they are a cherished part of Her Majesty's forces.

David T.C. Davies: I absolutely agree with the hon. Gentleman. This is about showing the Territorial Army that we respect its commitment. At least three TA soldiers have lost their lives already in the conflict in Afghanistan.

It is astonishing that anyone thought that it would be a good idea to save £20 million by scrapping the drill nights. The Secretary of State, who sadly is no longer in his place—perhaps he has other things to do—asked for suggestions for saving money, and I tried to intervene. If he wanted such suggestions, they are easy to find. The MOD spent more than 100 times that £20 million cut refurbishing its own offices at a cost of about £2.4 billion. It has spent millions of pounds on consultants during the last few years. Presumably they are helping the equally well-paid MOD officials who cannot do their jobs properly without the consultants. Perhaps we could get rid of some of those consultants, or get rid of some of the MOD officials who cannot do their jobs without them. I am pretty certain that there is a £20 million saving to be made there without affecting anybody's life. The MOD was even able to spend £250,000 on a work of modern art, because its spokesman said that they did not want pictures of dead admirals hanging around in the MOD headquarters.

I am pretty confident that, humble Back Bencher that I am, if I were given an afternoon in the Treasury I could come up with £20 million of cuts for the Government. I would start off by going through the back pages of *The Guardian* jobs section for the past 12 months, find everyone who got the jobs that were advertised and fire them all. Then I would look at anything with the word "equality" in it, because there would be a saving there as well.

Mr. Eric Joyce (Falkirk) (Lab): I agree with much of what the hon. Gentleman has just said, but does he think, as he has just implied, that expenditure in the MOD should be led by the Treasury?

David T.C. Davies: If the hon. Gentleman goes back to what I said earlier, I do not believe that we should be thinking about money at all here. We are at war at the moment. My hon. and gallant Friend the Member for Newark (Patrick Mercer) made the point that we are at war, and he has more experience of the armed forces than any other hon. Member.

Many people have concerns about the operations that we are undertaking in Afghanistan, and many of those are not willing to express them too publicly because they greatly respect the valour and commitment of our armed forces out there. But it would be helpful if the Government could be a little more clear about what we are setting out to achieve. One moment they tell us that it is all about solving the drugs problem. Yet, as I know from my own work as a special constable, we do very little about drug dealers and drug users on the streets of this country. If we were serious about tackling drugs, it would be far better to put those drug dealers in jail for a long time than send young men and women out to Afghanistan. They say that it is about bringing democracy to Afghanistan, yet it has never had democracy. There is no culture of democracy there. I do not think that it is all that likely that we will build some kind of a liberal democrat paradise in the Hindu Kush overnight. Even if it were possible, I would have to ask why we are not trying to do that everywhere else in the world. Then they say that it is about al-Qaeda. It is perfectly legitimate for us to deal with that, but if it is about dealing with al-Qaeda training camps, why cannot we do what we did in Iraq for 10 years, when we simply used air strikes to bomb the bases that were causing us all of the problems, with very little loss of life? Unlike many hon. Members I am not a military expert and I do not have the answers, but many people are asking me the questions and they are difficult to answer, because the Government are not willing to put them over themselves.

Bill Rammell: Will the hon. Gentleman confirm whether, like his Front-Bench spokesmen, he believes that we should be in Afghanistan?

David T.C. Davies: The Minister has been a Member for longer than me, and he knows that as a Back-Bench Member, I do not have to follow the party line. I am not the sort of person who slavishly follows party lines; I am perfectly able to put over an opinion myself. He will be intelligent enough to realise that I have some concerns about his Government's policy.

Bill Rammell: And Conservative Front Benchers' policy.

David T.C. Davies: I have concerns about the Government's policy. My Front Benchers are not in government yet, but I am sure that they will be shortly.

Although I may have doubts about some aspects of Government policy, I have no doubt about this, and I do not think that anyone else will: if we are going to fight a war of any sort, we ought to ensure that the personnel are properly equipped; that there is enough manpower to see that when they have done their six-month tour of duty, they have enough time off for their family and are not simply sent out to another war zone a few months later; and that they are properly and adequately paid. They are not paid anything like enough for the work that they do and the sacrifice that they make. When I see money being wasted in other Departments, I am irritated that the first place to which the Government turn to look for cuts is the one place where all the money ought to be ring-fenced.

Mr. Donaldson: Does the hon. Gentleman agree that the issue is about not just how we look after our soldiers while they are on the field of battle, but how we look after them and their families at home and in their barracks? Is it not true that there is pressure on the budget to improve the infrastructure for military families, and that it is being cut? He referred to the huge amount of money spent on refurbishing the MOD building. Is it not unfair that soldiers and their families face the prospect of living in sub standard accommodation because of further cuts?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I was beginning to feel that the hon. Member for Monmouth (David T.C. Davies) was enlarging the scope of the debate, and I am quite sure that he would be if he followed the line suggested to him by the right hon. Member for Lagan Valley (Mr. Donaldson). I need to nudge the hon. Member for Monmouth back to the terms of the motion and the amendment.

David T.C. Davies: The right hon. Gentleman speaks sense on many occasions, and I have no need to elaborate.

Will Ministers look into the fact that many members of the Taliban are in this country, claiming asylum and getting houses while British soldiers live in substandard accommodation? I join colleagues who are incredulous that the Government considered making the TA cuts in the first place. I therefore welcome the fact that they have gone into reverse gear, and I hope that the Minister will be able to state that for the little time that he has left in office, he will never, ever again consider cutting funding for the Territorial Army or any other branch of the armed services while we remain at war.

6.12 pm

Mr. James Gray (North Wiltshire) (Con): I add my contribution, as the chairman of the all-party Army group, to the very many magnificent speeches that we have heard, from all parts of the House, praising the fantastic work that the Territorial Army has done and will do, not only on deployment in Afghanistan and Iraq but here at home. I pay particular tribute to my hon. Friend the Member for Monmouth (David T.C. Davies), who most recently did precisely that. His regiment, the Royal Monmouthshire Royal Engineers, has the distinction of being the only regiment in the British Army to have "Royal" in its name twice. That is very unusual. It claims to be the senior regiment in the Territorial Army—outdone, of course, only by my regiment, the Honourable Artillery Company, which is many hundreds of years older than his.

David T.C. Davies: My hon. Friend will know that the Royal Monmouthshire Royal Engineers is a militia, and the militia usually takes precedence over the volunteers. Of course, my father served in his regiment, so I have no axe to grind either way.

Mr. Gray: The whole House will have the opportunity to thank the Territorial Army soldiers who are currently deployed in Afghanistan, when the all-party Army group next welcomes the brigade returning from that country. That is on Monday 30 November, at 3.30 pm, when soldiers will march once again through Carriage Gates, by kind permission of Mr. Speaker. I very much hope that hon. Members will join me there to thank those soldiers for all that they have done.

However, the important point is that many soldiers in that body of 120 people, or thereabouts, will be Territorial Army soldiers. I strongly support the concept of one Army and the fact that one cannot tell the difference between a regular soldier and a TA soldier. I differ slightly from my hon. Friend the Member for East Devon (Mr. Swire), who said that the TA should be deployed only as formed units. The one-Army concept means that most of the 20,000 TA soldiers who have been deployed in Iraq and Afghanistan have been trickle-deployed, not deployed as formed units. Nowadays, it is much better that our TA soldiers should be ready to be deployed individually in regular units rather than necessarily as formed units.

Mr. Brazier: That is not the view taken by the vast majority of TA officers. In practice, it means that lance corporals and privates get creamed off, and most places that are available to officers do not involve command and are of a fairly lowly nature.

Mr. Gray: My own experience of the TA and the contacts I have with TA personnel very much confirm what my hon. Friend says. It is of course true that soldiers of all kinds, whether regular or territorial, would much prefer to be deployed with their mates—with their battalion or unit, or whatever it may be. However, most of the brigades currently deployed in Afghanistan are very mixed, hybrid brigades—there is almost no regular battalion that will be deployed as a formed unit with nobody else attached to it. I am afraid that the days are long gone when we would like to think of our TA units as battalions marching out of the front gates of the drill hall, marching into battle, and coming back. I am not sure that that is a correct part of modern warfare.

There is an aspect of the debate with which I am a little uneasy. There has been almost a feeling of collective relief at the astonishing U-turn that the Government have performed in recent days, with praise for Ministers

[Mr. Gray]

for being so wise as to undertake it. There has been lots of talk about how it is a cross-party matter, and how it was really to do with the Army: "It was those funny generals—they did it. We Ministers went along with it for a bit, but now we have seen through it, and because we are wise Ministers we have reversed it and said, 'Please don't do that again, you naughty generals, because we're clever Labour Ministers and we're going to reverse it.'" I am sorry to bring an element of party political disagreement into the debate, but the fact is that this was done by a Labour Government.

Only two days ago, the Minister for the Armed Forces came along to the all-party group on reserve forces and told us how important it was that these cuts should go ahead. Then, under pressure, he said: "Well, all right, I'll tell you what we'll do. We won't cut this £20 million out of the TA budget, we won't close the TA down—we'll allow the boys to get together one Wednesday a month. Won't that help you? That will cost us £2.5 million. Aren't I being a nice Minister?" These cuts were made by the Government. If the Minister did not know about them, he jolly well should have done, and he must take responsibility for them. It was he and his colleagues who decided that the TA would effectively be closed down for six months from today. The notion that people could come back after that and go through their pre-deployment training, as the Minister kept saying, is absolutely nonsensical. The TA would effectively have been destroyed by the action that this Government took.

It is only because the Conservative party called today's debate and tabled this motion that the Government Whips, no doubt correctly, told their bosses that they were going to lose. They knew that there were plenty of Labour Back Benchers who would either vote with us or abstain, with the Liberal Democrats and the minor parties voting with us too. The Chief Whip got in touch with the Prime Minister and said, "You are going to lose a vote on Wednesday. You are going to be humiliated over this ridiculous decision you've taken about the TA, just as you were humiliated over the ridiculous decision you took about the Gurkha pensions. You, Mr. Prime Minister, are going to lose, and therefore we've got to find an extra £20 million. We're going to turn this round, not because we think it's the right thing to do but because we're yet again afraid of being humiliated in the House of Commons." That is a disgrace. This Government chose effectively to close down the TA for six months, and then, under pressure, they came back and said, "We're worried about this. We've suddenly realised that an awful lot of TA people will complain about it, so we'll give you one night a month back for training."

The decision was taken completely against the advice of the two-star generals and other senior people in the TA who advise the Government on this matter. They did not like it at all, but none the less went along with it. A two-star general, Major-General Simon Lalor—a first-class general he is too—came along to the all-party group on Tuesday and was not permitted to speak by the Minister, who insisted that he should speak, that it was a political matter, and that he should take the decision. The generals and others who were at that meeting were not allowed to speak. It was interesting to see that they were totally opposed to the decision. This Government decided to do this. They gave in very briefly with their one-night-a-month concept; now they have been forced, through straightforward political realities, to reverse their disgraceful decision.

I hope that when the Minister comes to the Dispatch Box, he will not palm us off with platitudes about how wonderful the Territorial Army is or say that he is somehow all in favour of it. I hope that he will apologise for the ridiculous decision that was taken and for being humiliated and having to turn it around.

6.19 pm

Mr. Philip Dunne (Ludlow) (Con): I am pleased to have the opportunity in the final stages of this debate to make a modest contribution about some aspects of the TA that have not been covered in depth. I should perhaps declare that as a schoolboy I was a cadet in the school cadet force, and at university I was a member of the air squadron reserve. I am told that had there been a war in the 15 years after I left the air squadron, I would have had a military role of air taxi to senior VIPs such as Government Ministers or generals. I am sure that that is not the only reason why people are hugely relieved that we did not have to go to war.

I wish to touch on aspects of the TA's functions that seem to have fallen out of the equation. My hon. Friend the Member for Norwich, North (Chloe Smith) mentioned in her excellent contribution that the TA's role in support of the regular forces under the one-Army notion takes place not just in active theatre but in other operations beyond UK territory. For example, I understand that the commitment of British forces in Operation Tosca, the UN peacekeeping mission in Cyprus, is now entirely staffed by a TA company. Its strength varies according to circumstances, but up to 100 members of the TA are on duty in Cyprus at any time, more or less unsupported by regular forces. There are TA contributions to Operation Fingal, continuing contributions in Kosovo, and the much more commented-on contributions in Afghanistan and, in recent years, Iraq.

Had the cut in training gone through as proposed, the Government indicated that there would not be any shortfall in training for deployment into active theatre. However, it was not made at all clear whether it would affect deployment to other theatres and peacekeeping missions internationally. That aspect had been forgotten.

Secondly, I wish to mention the role that the TA plays in supporting the civilian powers. The green goddesses are no longer in commission, but the TA has a clear and distinct role in supporting the civilian powers' response to emergencies. That cannot be done without a degree of training. It is all very well to have bodies of men and women called up to provide support in an emergency, but they will be of no use whatever unless it is quite clear what their function will be. Providing clear instruction and direction during an emergency obviously requires training.

In recent times, the TA has been on stand-by and at the Government's disposal, although it has not been called up, to respond to flooding incidents all round the country. In 2007 in my own area, it was on stand-by to assist during the flooding in Gloucestershire, Herefordshire and Shropshire.

The Government have had to contend with significant animal health challenges and emergencies in recent years, such as foot and mouth and the threats posed by

bluetongue, which thankfully has not materialised, and H1N1. On all those occasions, the Government had the resources of the TA at their disposal. The Royal Irish Regiment, which is based in Tern Hill in Shropshire, in my constituency, was tasked with a bluetongue response a very short time after coming back from active duty in Afghanistan. That may or may not have been an appropriate military decision, but with a fully functioning TA the Government had the option of using alternative forces had an emergency arisen. The idea that the TA would still have been available to help with civil contingencies if it had lost the ability to train for the period that was intended is simply not right.

The third aspect of the TA's role that I do not think has been properly expressed hitherto this evening is the link between the Army and civil society. The TA plays a considerable role in representing the Army and the other armed services in engagement with the public. Colleagues have discussed the role that it will play at Remembrance services over the next couple of weeks, but there is a continuous programme of education, and visits to schools, clubs and sports clubs for recruitment purposes. Many of us will have seen vans turning up in shopping centres and high streets in our constituencies on Saturdays. The people manning them and banging the recruitment drum are typically TA volunteers.

Regular units recruit from the TA, as a direct consequence of the exposure to the Army that the TA provides. In my own area, the Mercian Regiment has a current strength of 80, out of which, in the past 12 months alone, three officers and 11 soldiers were recruited directly into the regular forces. That is a very cost-effective recruitment method for the regular forces, and it simply would not happen if the TA did not meet regularly, and if TA members did not have the spirit, bonhomie and cadre that they get from their regular training.

The considerable anxiety that was expressed across the House by Members who have TA units within their constituencies was to do with that corps esprit. If there was no regular weekend connection between units in the TA, as appropriate each month, there would simply be no rationale to continue to turn up. The idea that the training tap can be switched on and off, as the Government seemed to indicate, was so far removed from the reality of what was happening on the ground as to stretch belief that the Government have any idea what the TA does on training nights.

In my area, there was a suggestion that people were thinking about their futures. Their families will already have had considerable concerns about the degree to which individuals commit themselves to the TA, which they do for very little monetary reward. If people were asked to volunteer for no reward at all, without any contribution to travel costs, or without confidence that anything would actually be happening if they turned up at the drill hall, another pressure would be brought to bear on them not to bother any longer and to go off and do their volunteering where it would be properly valued. That is another social factor that the Government completely failed to grasp.

I encourage the Minister to step forward to the Dispatch Box in a different spirit from that which he has had to have in the last 48 hours. He has had the most hapless task. During the excellent Adjournment debate on Monday evening, he listened to a very thoughtful contribution from my hon. Friend the Member for North-East Milton Keynes (Mr. Lancaster), who speaks with considerable knowledge given his experiences on active duty with the TA, but was unable to offer any kind of defence for the Government proposals. He then had to spend Tuesday being berated—I presume with senior colleagues—by Labour Back Benchers, and by all accounts, generals. Later, he had to front up to the Prime Minister and tell him that he must change his mind. I suspect that that is not a task that any junior Minister relishes in the dying days of this Government. However, he is now in a position, in his response to the debate, to make a positive statement of the Government's commitment to the TA, which I sincerely hope he does.

6.29 pm

Dr. Andrew Murrison (Westbury) (Con): We have had an extremely good debate, with 10 speeches from Back Benchers. Most of them have been concise and to the point, and we must be grateful for that brevity. It was a debate of high quality—one speaker from the Democratic Unionist party, two Labour and seven Conservative speakers, but no Liberal Democrat Back Benchers.

I declare my interest, as entered in the register, as a medical officer in the Royal Naval Reserve. I also wish to express some sadness that so much grief could have been caused by an attempt to squeeze just £17.5 million from the Territorial Army. Ministers enthuse over the so-called one Army concept, and we have heard a lot about that this evening, as well as talk of reservists being twice citizens. Words are cheap, and I fear that Ministers' rhetoric has not necessarily been matched by their actions over the past two weeks.

The hon. Member for Dunfermline and West Fife (Willie Rennie) wondered how the Secretary of State had got himself into such a mess. The hon. Gentleman was also uncharacteristically churlish about our motion, which my hon. Friend the Member for Aldershot (Mr. Howarth) and I hastily crafted late last night when the Minister effected his U-turn. I did not see the Liberal Democrats in the Table Office, and it would of course have been open to them to have tabled an amendment.

As a regular and a reservist, I have seen just how easy it is to plunder the territorial, whether that be the TA, the special constabulary or the retained fire service. There is an almost institutional tendency for the top brass to recommend savings from reservists or part-timers. Territorials are caught in a sort of pincer movement between the generals and the accountants, with the budgeteers knowing full well that cuts to the TA produce immediate savings, while cuts to the regulars do not. I fear that Ministers have been badly advised throughout this, and it is a pity that they took the advice that they were being offered.

The hon. Member for Stockton, North (Frank Cook) was typically eloquent, but he is not in his place, so I shall not spend too much time praising him. He is a veteran of five parliamentary tours of Afghanistan and spoke passionately in support of the reserves and in favour of the one Army concept. He saw the paw prints of accountants over the past couple of weeks and he said, rightly, that those who know the price of everything often know the value of nothing. He doubted that there would be victory in Afghanistan, and by that I think that he meant victory in the classic sense. He thought

[Dr. Andrew Murrison]

that more resources should be given to our military and, in particular, to our reserve forces, and that accountants should be put in their place. There are plenty of accountants in this House who would probably disagree.

My hon. Friend the Member for Bridgwater (Mr. Liddell-Grainger) is an ex-Territorial. He spoke extremely well about training and operating as one Army, and in favour of formed units, which come up in debate a lot in connection with the TA. We appreciate their importance, and my hon. Friend the Member for Canterbury (Mr. Brazier) has been especially strenuous in his support for them and for command opportunities for people in the TA. We are grateful to him for that, and he is, of course, absolutely right.

It is difficult to serve in a formed unit if those involved do not train together, as I know full well. My hon. Friend the Member for Bridgwater feared that the events of the past few days would cause lasting damage, and I think that we are all agreed, to a varying degree, that there will be a residue from how this has played out over the past four weeks or so.

In a typically impassioned contribution, the hon. Member for Chorley (Mr. Hoyle) talked about the lessons of the past not being learned, and if that is the case it is a great pity—although the circumstances of today are very different to those that applied in the 1990s. He also talked about the one Army concept being badly dented by the past few days and hoped that Ministers would do what they can to restore the confidence that the Territorials have in his Government, which has been so seriously damaged.

My hon. Friend the Member for East Devon (Mr. Swire) raised the important point about employers, who will have looked at what has happened over the past few days and wondered whether they were right to be helpful to those employees who are Territorials or reservists. Employers will reason, "Well, if the Government do not hold reservists in the esteem that they should, why should we go to the effort of sparing them and sustaining real cost in many cases?" That is an important point to make, and I hope that Ministers will send out the clear message to employers who might be tempted to think along those lines that, in fact, Territorials are an essential part of our military capability. I also hope that they will do what they can to repair any damage that might have been done by what has happened over the past fortnight or so.

My hon. Friend also talked about reservists' mental health. It is important to reflect that Territorials in particular are at risk from mental health problems attributable to service. The reasons are very complex and have a great deal to do with the fact that regulars come back and are still part of a unit, whereas very often Territorials—in particular, augmentees—are not, and so are especially at risk. It is important that we look after them. He also pointed out rather poignantly that on Remembrance Sunday we will be remembering reservists and regulars equally. Again, he used that comment to demonstrate the importance of the one Army concept applying in reality. I should add that there is a naval equivalent—the concept of being all of one company.

The hon. Member for Belfast, North (Mr. Dodds) commended the Government on reversing their position. I think that he was very generous in his remarks. He pointed out what is obviously right—that the reversal of the Government's position was the result of pressure from all directions. He also emphasised the importance of the one Army concept and talked about the damage to morale that the threat to funding causes, with particular reference to military bands and the unique circumstances and contribution of the men and women of Northern Ireland.

The offending in-year savings measures emerged in a Headquarters Land Forces letter dated 12 October. We should bear in mind that despite the largesse that emerged last night, the leaked cuts to the officer training corps, cadet forces, Army recruiting, capital work on soldiers' accommodation and service schools endure. I hope that the Minister will touch on those matters when he responds.

On 14 October, the Prime Minister, when questioned on the TA cuts contained in the 12 October briefing note, gave every appearance of not having a clue what was going on. On Monday, we were then treated to a grudging one-night-a-month concession costing £2.5 million before the final climbdown on the TA, but not on the rest of the leaked cuts, including—this is the context of today's debate—those to the OTC and Army cadets. That deeply worrying episode suggests two things. The first is that the Government simply did not understand the impact that the cuts might have had on the TA, and the second is that all rational thought has gone from the MOD ministerial corridor in the last days of this Administration.

The October Public Accounts Committee report on support to high-intensity operations noted that training for regulars for contingent operations was entering what was referred to as "hibernation" to fund deployment-related training—"hibernation" is a horrible term, but it appears to have crept into the military lexicography in recent years. The PAC expressed the fear that we would not be

> "able to regenerate such capabilities...after hibernation."

We might be able to tuck up regulars in a warm box, with plenty of straw, and wake them up in the spring, but Territorial soldiers do not "hibernate". Without training, they will go and find something else to do, and they will never look back. Why has it taken two weeks of muddle for Ministers to accept something that, on the Conservative Benches at least, was blindingly obvious?

Ministers have told us that regulars are now being recruited to strength. They asserted that this triumph prompted the cuts that have caused so much heartache. The implications are quite staggering. They are saying that financial balance at the MOD has up until now assumed an under-strength Regular Army at a time when we are heavily engaged in conflict in Afghanistan. However, the Opposition try to be helpful when we can, so let us see whether we can help Ministers out of the financial conundrum that they are left to struggle with after the Government's U-turn. Against their regular counterparts, Territorials are as cheap as chips. The National Audit Office has pointed out that non-deployed TA soldiers cost £10,000 a year, against £55,000 for a regular. The deployed costs will be lower too, given superannuation and the fact that in practice reservists do not have access to many of the regulars' benefits.

The calculation has also been done by our allies, who, unlike us, have acted on it. One quarter of Britain's total strategic forces is provided by the reserves. In the US,

Canada and Australia, the figures are 53, 42 and 41 per cent. respectively. Volunteer reservists, for example, make up 18 per cent. of trained strength in the UK, compared with at least 25 per cent. among our principal allies, yet this cost-effective force is set to decline even further, both in raw numbers and as a proportion of our overall strength. As we have heard, the note of 12 October says that TA trained strength was predicted to fall from 20,000 to 18,000 by April 2010, putting at risk the TA's ability to deliver 700 to 800 soldiers for Operation Herrick from 2012 onwards.

How could Ministers even contemplate such a thing? Although last night's spectacular U-turn is welcome, much irreparable damage will have been done. I expect that the Minister of State will have received sackloads of similar protests from Territorials and those who support them, not least from among his constituents in Harlow. We have certainly received such protests, but unfortunately time does not allow me to read them out, much as I would like to.

In April, the then Secretary of State endorsed each of the seven strategic recommendations in General Cottam's report on the strategic review of reserves. It is worth reminding ourselves of the central proposition, with a capital P, given in the report:

"Defence will offer the challenge and reward which attracts people to volunteer, and undertakes to train and support them throughout their Service, including when mobilised and recuperating."

The report asserts in recommendation 3, which let us remember was accepted by the Government, that

"Training is pivotal to the Proposition."

Indeed, the Secretary of State endorsed that at the Dispatch Box on 28 April. How is it that the Government considered driving a coach and horses through a blueprint for the reserves that they signed up to just six months ago?

The latest wobble was the result of the Government's stated desire to focus all our efforts on Afghanistan, but expeditionary warfare has historically been the province of regular armies. Big state-on-state conflicts are inevitably the domain of irregulars. In presenting Territorials as second-class soldiers, Ministers are recklessly discounting unforeseen generic conflict or catastrophic civil contingency. May I remind Ministers that the Government's first priority is the defence of the United Kingdom? Important though a successful outcome of Operation Herrick undoubtedly is, nothing should divert us from that.

My hon. Friend the Member for Norwich, North (Chloe Smith) made an excellent speech. She drew attention to A Company Third Royal Anglian, which is about to deploy, and we wish it well. She spoke powerfully about the cheese-paring that is so demoralising to both part-time and full-time troops. It also demoralises me.

My hon. Friend the Member for Monmouth (David T.C. Davies), who is also an ex-Territorial, made an excellent contribution. He emphasised how much training fosters cohesion, and he was right to do so.

My hon. Friend the Member for North Wiltshire (Mr. Gray) engaged in typically fighting talk. He mentioned that he was a veteran of the Honourable Artillery Company, and he rightly highlighted its antiquity. May I gently point out to him that the Royal Navy was founded by King Alfred in the 9th century? My hon. Friend praised augmentees versus formed units. That is a debate for another day, but as an augmentee, I have a great deal of sympathy with what he said.

My hon. Friend the Member for Ludlow (Mr. Dunne) also talked about the one Army concept. He rightly mentioned Operation Tosca, which I fear is often forgotten, but which is very important in the context of the Territorial Army.

I hope that the Minister will answer the points so comprehensively put by hon. Members. Let me add a few of my own. Will he comment on the Territorial Army civil contingencies reaction force, which was launched in 2002 with great fanfare, but which was never funded? Is it safe to assume from the Secretary of State's prevarication when challenged by my hon. Friend the Member for Woodspring (Dr. Fox) on 28 April that that tasking is now defunct?

Will the Minister elaborate on the remarks made in April about the use of niche reservist skills and support for stabilisation operations and the Department for International Development? Will he also say what funding transfer will take place to permit such employment, a point that was ducked in the response to my hon. Friend on 28 April? What timeline exists for the Cottam review implementation team? When will the detailed single-service analysis required by General Cottam and accepted by Ministers be reported to the House?

Let me gently remind the Minister of the fate of the last Government who tried to short-change the militia. Let me also express the hope that he will prove equal to the task of regaining the trust of the men and women of the Territorial Army, who have been so badly served over the past fortnight.

6.44 pm

The Minister of State, Ministry of Defence (Bill Rammell): We have had a genuinely good debate today, and I would like to thank all Members for their contributions. I will start on a note of consensus, and we shall see how long I can keep that going. The arguments in the debate have revealed that there is palpable consensus across all parties on support for the Territorial Army. Whatever the rights and wrongs of the decision-making process have been over recent weeks, I acknowledge, on behalf of the Government, that the cross-party support for the TA has been clear, consistent, important and influential. I wish to pay tribute to the work of the TA, without whose efforts, dedication and professionalism our defence capability in this country would be much, much weaker.

I should like to respond directly to the point raised by the hon. Member for Westbury (Dr. Murrison) about the structural disbandment of the civil contingency reaction force. The decision to remove the requirement for the reserve forces to train the CCRF was taken in line with the recommendation of the reserves review, which received significant cross-party support when it materialised. The Civil Contingencies Act 2004 placed a much greater emphasis on the civil authorities providing resilience in times of emergency, thus removing some of the liability that had previously been held by the reserve forces. The removal of the requirement to train the CCRF did not affect the size of the reserve forces, and the entire UK reserve forces remain ready to support UK resilience operations in times of emergency. I hope that the hon. Gentleman will be reassured by that.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Clearly, everyone welcomes the rethink on the £20 million for TA training. The armed forces review has caused some pain in the TA in my constituency, however, because it

[Paul Farrelly]

has led to the disbanding of the 58th Signals Squadron. That has clearly been the result of an Army decision to reorganise its signals function. However, the base in Cross Heath in Newcastle is used not only by the TA but by Army and Air Force cadets. Can my hon. Friend give me an assurance that that building will not close, and that the team at the Ministry of Defence will liaise with the cadets to ensure that they have a base from which to operate? The cadets are the recruits of the future.

Bill Rammell: I thank my hon. Friend for that intervention. The decision involving the communications-driven exercise to which he refers has affected a number of regiments across the country, and I believe that it was the right decision. However, we do not intend to close TA bases as a result of it. I hope that that gives him some reassurance.

My hon. Friend the Member for Stockton, North (Frank Cook) demonstrated his long-standing commitment to the Territorial Army. I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on his 12 years' experience as a member of the TA. I pay tribute to the commitment of my hon. Friend the Member for Chorley (Mr. Hoyle) and to his dedication to defence matters, particularly those involving the TA. He referred cogently to his and his constituents' experience of the real TA cuts under the last Conservative Government in the 1990s. He made that point very powerfully. He also asked me about the Gibraltar Regiment—an issue about which I know he is concerned. There is a moratorium on deployment at the moment because of concerns about the applicability of the armed forces compensation scheme and the way in which that relates to the Gibraltar Regiment. I understand my hon. Friend's concern and, as I said to him earlier, I am meeting officials tomorrow and I will try to come back to him on that as quickly as possible.

The hon. Member for East Devon (Mr. Swire) made a number of criticisms about the in-year measures, particularly about what he described as the cheese-paring of the defence budget. I would simply say to him that, at just under 2.5 per cent. of gross domestic product, UK defence spending is high by international standards—*[Interruption.]* This is a serious point. In cash terms, we spend more on defence than any country except the United States of America and China. In that context, I want to ask for some realism in our debates about what we can afford for defence.

The hon. Gentleman also asked about mental health issues. Let me reassure him that the reserves mental health programme is an important strand of our work. It has been well addressed in the MOD, and includes the setting up of helplines and the provision of staff to support it. There is a need, as he said, to ensure that it is communicated across the TA, which is what we are determined to do.

The hon. Member for Ludlow (Mr. Dunne), in what I thought was a measured and good contribution, made a number of important points. He asked me about the previous changes that we had announced and their impact on pre-deployment training. Let me be clear that, even though we are now in a different position, those changes would not have affected pre-deployment training—to Afghanistan, or indeed to any other deployment.

I was going to pay tribute to the work of the hon. Member for North Wiltshire (Mr. Gray) in the all-party group—until I heard what he had to say. Nevertheless, I will pay tribute—*[Interruption.]* "They don't like it up 'em," he says, but I will pay tribute to the work he does. On the decision making, it is a reality that this proposal was recommended by Land Forces and endorsed by the Chief of the General Staff. Nevertheless, we—Ministers and the Secretary of State—accept responsibility for it. That is where I have to say that I found the hon. Gentleman's attack on my role in coming to the all-party group on Monday a little wide of the mark. I deliberately took responsibility, instead of the general, for responding to the debate and to questions at the all-party group meeting because the decision was a political one, for which I felt responsible.

Mr. Brazier: May I endorse the point that the Minister has been extremely generous in giving his time to the all-party group? We all welcome the frank exchanges there.

Bill Rammell: I thank the hon. Gentleman for that; I know about the incredibly good work he does on behalf of the Territorial Army.

The hon. Member for Belfast, North (Mr. Dodds) made an important contribution about the TA's role in his constituency. I would genuinely like to congratulate the hon. Member for Norwich, North (Chloe Smith), who I know is new to the House, on her speech. She made a trenchant criticism of the Government—and in that, she is following in the footsteps of her predecessor, who was both an honourable and a genuine friend of mine.

The hon. Member for Monmouth (David T.C. Davies) made a number of criticisms. Through an intervention, I was able to make clear to him that his view of our role in Afghanistan differs not only from that of the Government, but from that of his own Front-Bench team. It is important to underline that despite the difficulties in Afghanistan, there is a clear and vast majority of MPs across the parties in support of what we are doing. That point should be made clear.

The hon. Member for Dunfermline and West Fife (Willie Rennie), who leads for the Liberal Democrats, started very well, decrying the fact that the official Opposition had engaged in a cheap stunt by altering their motion overnight to refer to the role of the Leader of the Opposition. Despite that, however, and despite the fact that £20 million is on the table from the Treasury to reverse the initial decision, the hon. Gentleman says that he is nevertheless going to vote with the Conservative Opposition this evening. I have to say that that is an even more confusing Liberal Democrat policy formulation process than is usually the case.

The hon. Member for Dunfermline and West Fife also asked the Government to trust him and the House to be more involved in the decision-making process. Let me be clear that we face difficult challenges, and that I would like to do that. If we are going to do it, however, he and his party will have to face up to reductions in spending as well as increases, as that is the only realism that will allow us to move forward. In that regard, I have to say that I am not holding my breath.

The hon. Gentleman also asked me what would be sacrificed because of the changes announced in the last 24 hours, and what impact they would make on the

Ministry of Defence. Let me be clear again that there will be no impact on the Ministry of Defence, as we have been able to manage the change through £20 million of additional funding from the Treasury—no ifs, no buts: this is additional money.

The hon. Member for Woodspring (Dr. Fox) started by saying that he welcomed the Government's decision, which he felt was the right one. He then talked about Regular Army recruitment, which clearly costs more in training, saying that we should provide that money. I agree, but his argument is, of course, fatally undermined by the fact that he proposes not one penny extra in defence expenditure on top of what the Government are proposing. The immediate slashing of public spending to deal with the public deficit would make the job of any Government in managing our defence expenditure that much more difficult. I know that in private the hon. Gentleman shares that view, but he is hamstrung by the views of his Front-Bench colleagues. He is also holed below the water by the fact that people judge politicians not by what they say, but by what they do. Under this Government, defence expenditure has increased by 11 per cent. in real terms. In the last five years of the Conservative Government there were half a billion pounds' worth of cuts in defence each year. That is the reality, and I think it should be proclaimed loud and long.

Neither I nor the Government will take lectures from the Conservative party on the TA. I say that very clearly and very precisely, because it was the last Conservative Government who cut Territorial Army liability numbers by a third in four years, from 90,000 to just over 60,000, at the same time as cutting the TA training budget. As I said earlier, the fact is that if we started slashing expenditure now to tackle the deficit, as the hon. Gentleman and his Front-Bench colleagues would have us do, none of this could be achieved without cuts significantly worse than those that were considered, and it is dishonest to suggest otherwise.

Some criticisms have been made of the decision-making process. It has been said that we have performed a U-turn. Again, I will not take lectures on U-turns. A few weeks ago the shadow Chancellor, the hon. Member for Tatton (Mr. Osborne), told *The Times* that he would engage in £30 billion-worth of defence cuts to the A400M aircraft programme, which involves two aircraft carriers. The following day, he was forced to retract that statement.

Mr. Gerald Howarth (Aldershot) (Con): I must tell the Minister that that is an untruth. *The Times* printed an untruth. That is not what the shadow Chancellor said.

Bill Rammell: It was clearly printed as a result of discussions in which the shadow Chancellor had engaged, and I know for a fact that the Tory Front Benchers were very concerned about that commitment.

The hon. Member for Westbury made a number of stringent attacks on me and on my ministerial colleagues. I understand his frustration. If the leader of my party had told General Dannatt that our defence team lacked expertise in defence matters, I would be frustrated as well. That is, of course, what the Leader of the Opposition told General Dannatt about the Conservative Front-Bench team.

Let me conclude by making very clear that the Territorial Army and the UK reserve forces are an absolute credit to this country. In the last decade they have proved their worth as never before. As we speak, they are serving alongside our regular forces in Afghanistan, and Afghanistan must come first in terms of defence. That means not only drawing on the Treasury's reserves for the operations themselves, but looking across the defence budget to prioritise the activities that support our efforts in Afghanistan. It means that we must make tough choices on resources, and that is the reason for the process of decision making in which we have engaged in recent weeks.

Nevertheless, I think it right and proper for any Government who make a decision to listen to criticism and to concerns. We have heard representations from across the House. We understand the concerns that have been raised, particularly with regard to Territorial Army retention. We have now received assurances from the Treasury that this year additional ring-fenced money will be made available to ensure that the measures on TA training are no longer required, and the normal TA training regime will be restored as quickly as possible. That is important.

As for the future, the Department undertakes an annual planning round in order to prioritise and allocate available resources for the next year. I can confirm today not only that we are making those changes, but that we do not plan to reduce levels of training available to members of the Territorial Army as part of the process. Perhaps Opposition Members would indicate whether they support that approach.

Let me make it clear that we are absolutely right to put Afghanistan first. It is not possible to preach austerity, as the Opposition do, and then call foul whenever a measure is proposed to relieve budget pressures. We have listened: responsive government is right. There are those who will criticise us for changing our minds, but there are those who would have criticised us for obstinacy and irresponsibility had we done the opposite. That is politics. We were determined to do the right thing, that is what we have done, and I urge my colleagues to support me in the Chamber this evening.

Question put (Standing Order No. 31(2)), That the original words stand part of the Question.

The House divided: Ayes 213, Noes 293.

Division No. 233] **[6.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cameron, rh Mr. David
Carmichael, Mr. Alistair
Cash, Mr. William

Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grey, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kay, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leigh, Mr. Edward
Lewin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Lull, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Bill Wiggin and
Mr. Stephen Crabb

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fernelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*

Foster, Michael Jabez (*Hastings and Rye*)
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lawton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Macleggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malleber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
Mason, John
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Remmell, Bill
Reynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. (*Basildon*)
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Steve McCabe and Mr. Bob Blizzard

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

Question agreed to.

Main Question, as amended, put and agreed to.

Resolved,

That this House expresses its continued support for the role of the Territorial Army (TA); notes that the reserve forces have contributed some 20,000 personnel to operations in Afghanistan, Iraq and the Balkans since 2002, most of them from the Territorial Army, and that 14 Territorials have died on those operations; welcomes the Government's additional £20 million ring-fenced by the Treasury for Territorial Army training; and further welcomes the Government's policy to ensure that TA members deployed to Afghanistan are fully and properly trained for their role and to ensure that, for all TA members, normal training will take place in the evening and at weekends."

Speaker's Committee for the Independent Parliamentary Standards Authority

7.15 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I beg to move,

That Sir Stuart Bell, Liz Blackman, Nick Harvey, Mr Don Touhig and Sir George Young be appointed under Schedule 3 to the Parliamentary Standards Act 2009 as members of the Speaker's Committee for the Independent Parliamentary Standards Authority until the end of the present Parliament.

Mr. Speaker, this motion, tabled in the name of my right hon. and learned Friend the Leader of the House, has been brought forward at your request. It sets out the nominees for membership of the new Speaker's Committee for the Independent Parliament Standards Authority. It will follow similar lines to the Speaker's Committee on the Electoral Commission, and its composition and functions are defined in the Parliamentary Standards Act 2009— *[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the Deputy Leader of the House, but this is an important matter. There might be a debate on it after the Minister has spoken, so it would be appreciated if hon. Members who do not want to take part in it could please leave the Chamber quickly and quietly.

Barbara Keeley: As I was saying, the Committee's composition and functions are defined in the Parliamentary Standards Act 2009.

There are five nominees who will sit alongside three ex officio members. The first of the ex officio members is you, Mr. Speaker. The others are my right hon. and learned Friend the Leader of the House of Commons and the right hon. Member for Skipton and Ripon (Mr. Curry) in his new capacity as Chairman of the Standards and Privileges Committee. At your request, Mr. Speaker, the three Front Benches have put forward names, and I therefore see no reason why those names should not be acceptable to all sides of the House.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Minister give way?

Barbara Keeley: No. My comments will be very brief, and there will be opportunities—

Sir Nicholas Winterton: Will the Minister give way?

Barbara Keeley: No, I will not give way at the moment.

The Parliamentary Standards Act gives the Speaker's Committee two functions: to ratify the nomination of the Parliamentary Standards Authority chair and board members before they are put before the House, and to approve the estimate for the Parliamentary Standards Authority—in other words, its funding.

The motion asks the House to appoint the remaining five members of the Committee. On behalf of the Government, and I hope the whole House, I commend it to the House.

7.17 pm

Sir George Young (North-West Hampshire) (Con): I want to add a brief footnote to what we have just heard from the Deputy Leader of the House, and to speak in favour of the motion. It appeared rather suddenly on today's Order Paper, but I hope that it is non-controversial.

We on this side of the House support the creation of a Speaker's Committee on IPSA, in accordance with the Act that was passed in July, with my party's support. We supported the Act because we strongly believe that MPs should no longer be placed in a situation where they determine their own allowances. We now look forward to the report from Sir Christopher Kelly to provide a blueprint for IPSA to work from. The leak of some its recommendations is extremely regrettable.

The Parliamentary Standards Act specifies the membership of the Speaker's Committee and the names now appear on the Order Paper. I welcome those names, and I look forward to working with them.

Sir Nicholas Winterton: Mr. Speaker, I am not sure that I should not put this question to you, but I shall put it to my right hon. Friend. Does he think that the Committee is broadly enough based, and that it reflects the views of relatively new and young Members of the House? Their future is important to the House, and to the Government of the country, so should not the Committee be slightly more representative of the House as a whole, rather than of the great and the good?

Sir George Young: I imagine that, if my hon. Friend felt that the names before the House were not appropriate, he could have tabled an amendment proposing alternatives more in keeping with his views. Speaking for myself, I find the names on the Order Paper perfectly acceptable. I declare an interest, and I look forward to working with the people proposed in the motion.

Bob Spink (Castle Point) (Ind): How can the right hon. Gentleman expect the public to have confidence in a so-called independent Committee that is made up of the usual suspects who have so patently failed to carry public confidence with them over the years? They also failed to accept the reforming suggestions to sort out the allowances contained in the early-day motion tabled two years ago by my hon. Friend the Member for Blaenau Gwent (Mr. Davies) and myself.

Sir George Young: The answer to the hon. Gentleman is that IPSA is independent. All we are doing this evening is appointing a Committee to oversee the appointment of the chairman and the members of the committee. If the hon. Gentleman wants an assurance that IPSA will be independent, I hope that he got that in the debate that we had in July when IPSA was set up—an organisation for which I think he voted in the Lobby.

Mr. Christopher Chope (Christchurch) (Con): My right hon. Friend repeated what the Deputy Leader of the House said about the limited role of the Committee, but does he not see that it would also have a role under section 5(4)(d) of the Parliamentary Standards Act 2009, which provides that

"In preparing or revising the scheme"—

for MPs' allowances—

"the IPSA must consult . . . any committee of the House of Commons nominated by the Speaker".

Is that not the same Committee that we are discussing this evening?

Sir George Young: Yes, but if my hon. Friend looks at that list, he will see that it is a very comprehensive list indeed, including Members of the House of Commons. I cannot think of a more embracing category than that. The fact that IPSA will also consult the Committee that is being constituted this evening is in no way exclusive and does not preclude other Members from giving their views.

It is up to you, Mr. Speaker, to nominate both the membership of the board of IPSA and the Commissioner for Parliamentary Investigations—

Mr. David Winnick (Walsall, North) (Lab): Will the right hon. Gentleman give way?

Sir George Young: May I make a little progress?

It is up to the Speaker's Committee to discuss and agree on those nominations. It would be helpful if the Minister could tell us where we have got to with the nominations that will come before the Committee, in particular the nominations for the Chairman. It would be helpful if she could shed some light on the time scale.

The Committee will also have an audit function, reviewing the Government's estimate and satisfying itself that the allocated funds are not at odds with the need for IPSA to be a cost-effective body. Of course, IPSA needs the resources to do the job that Parliament has asked it to do, but at a time of constraint on public expenditure, it must be efficient and cost-effective, not least where the salaries are concerned. During the Committee stage of the Bill, the Justice Secretary said that the Government had considered the experience of the Speaker's Committee on the Electoral Commission. We hope that they paid particular attention to the controversy over the remuneration of those appointees. Some figures have been bandied about, and we should note that the House will take a keen interest in these matters.

Finally, the debate gives us an opportunity to ask the Deputy Leader of the House what progress has been made on establishing IPSA. When do the Government imagine that IPSA will be operational? Is it envisaged that it will start at the beginning of the new Parliament, or on a fixed date such as the beginning of the financial year? What arrangements have been made on staffing, in particular with respect to those currently employed in the Department of Resources? She will know that there is deep concern in that Department about their futures. If she was able to shed any delight in her concluding remarks, those who work in the Department of Resources may find that reassuring.

7.22 pm

Mr. David Heath (Somerton and Frome) (LD): As the right hon. Member for North-West Hampshire (Sir George Young) said, the appointment of the Committee is part of the process that all sides of the House agreed by means of the Act setting up IPSA. The Committee will advise you, Mr. Speaker, in the appointments that you make, and it will deal with consultations, as has already been suggested, and with audit of the IPSA functions, when they are in place.

It is essential that we get IPSA in place because we cannot effect the long-term reform of the system of allowances and expenses until it is in place. A great deal of publicity has, quite reasonably, been given to Sir Christopher Kelly's report, which was leaked. I agree about how unfortunate it is that the report was partially leaked. Partial information is the worst sort of information, because it makes people assume all sorts of things which may not be justified once they see the narrative and the text in the round. The Kelly report on its own is not a proposal for the regulation of the House. It is a proposal for the framework that IPSA will then set up, so IPSA's role is crucial.

I agree absolutely with the right hon. Gentleman when he asks what the timetable is expected to be. The Members who are being asked to sit on the Committee will have their work cut out if we are to see a Chairman and a board in place in a reasonable time scale that will enable them to do the work that is set out in statute. I have my doubts whether the timetable will be such as to see real and effective change before the expiry of this Parliament. That means that we may find ourselves in difficulties with either a dying Parliament in its last days setting up structures that will then not apply to it, or a new Parliament without experience having to grapple with this as the first matter on its agenda. There is concern about the time scale and any advice that the Deputy Leader of the House can give would be extremely helpful.

The other point that the right hon. Gentleman rightly made and that I shall repeat concerns the audit function of this body in terms of the total package of costs for the organisation, but also more specifically the remuneration of board members, for instance. As an example to everybody else we need total transparency, and it is important that we and the public outside know exactly what considerations are being taken into account in setting up the new body, how it is to be set up, what remuneration levels will be, what funding levels will be, and how those funding levels will be justified. I look to the Committee when it is set up to ensure that transparency.

Members' interventions have suggested a certain familiarity with some of the names that have been put forward, and it is hard to argue with the fact that they are rather familiar names. I suspect that the argument for that is continuity from what has existed before. At some stage we need to make a break, and there is some justification for saying that. But this Committee will have a limited lifetime. It will exist only until the end of the Parliament. It has a very limited framework of work. The motion plainly says

"until the end of the present Parliament."

So this membership is for a limited time and we need to look afresh in a new Parliament as to who are the right Members, how they will represent all parts of the House—both in terms of party political representation and their experience in the House—and at their outlook and what they can bring to this. We should look at that carefully immediately following a general election.

I will certainly support the proposal in order to get the body up and running and doing its work, because there is some urgency. I hope, however, that the Deputy Leader of the House will hear in what I have said at least some caveats for the future, which I hope we will be able to take into account.

7.28 pm

Mr. David Winnick (Walsall, North) (Lab): I shall be brief. However, I am not at all happy with the way in which we are going about matters. I would not dream of

[Mr. David Winnick]

saying a word against any of the Members who are mentioned on the Order Paper—not my hon. Friends of course, and not the other Members either. But that does not alter the fact that we are starting afresh. The reputation and integrity of the House has been much damaged. There is no doubt about it. You nod your agreement, Mr. Speaker, and I am sure that we would all agree that there is a need to restore public confidence as quickly as possible.

The new body that has been set up—the Independent Parliamentary Standards Authority—is a move in the right direction, but when it comes to the names, inevitably the question will arise: why these people? Who nominated them? Do I take it that they have been nominated in the usual way by the Whips, and accordingly they are before us for approval? It is in no way to criticise those hon. Members when I say that I would be far happier if there was some sort of system whereby we could elect the Members involved, embracing, of course, the three political parties. I see no reason why not. You are in the Chair, Mr. Speaker, because you have been elected to the Chair, and it is your policy, as you have told the House, that the Deputy Speakers be elected. That is the right move, so, when it comes to what we agree is a fresh start to try to restore public confidence in allowances, expenses and all the rest of it, why do we have these names on the Order Paper? We have not been consulted. No one has consulted me, and if they have not consulted me, presumably no one else has been consulted apart from the usual channels. However, we are now expected to nod our approval.

I shall not cause a Division over the matter, but I shall be very surprised if I am the only Member to hold this view. It is only right and proper to state clearly that, if we are to appoint such people, they should be subject to an internal election, which would give the matter far more legitimacy. It is for those reasons that I have made this brief speech.

7.31 pm

Mr. Charles Walker (Broxbourne) (Con): I am hugely impressed by the names that have been put forward for the Committee. It is a smorgasbord of big cheeses. However, I am concerned that there are not younger, thrusting and less experienced Members on it. I should not speak in my own cause, but I regard myself as young and thrusting; and I may raise this point light-heartedly, but I have a serious love for this place. The past two years have been traumatic for all Members, but the measures that Kelly and others have taken will impact on the next generation of young Members starting their parliamentary careers. I should very much like to champion their cause and colleagues' causes, and I should like to bring an innovative approach—a new approach—to the Committee. I have not sought high office in this place, and I shall never get high office, but that is not a shame, because I love and take pride in being a Back Bencher, and Back Benchers are important to this place and to our constitutional settlement.

Mr. Speaker, I shall not try your patience, but let me give you one example of the innovative thinking that I would bring to the role. Let us do away with paperwork and forms; let us take the personal additional accommodation expenditure allowance and make it subject to income tax at a Members' higher rate. Then, of course, Her Majesty's Revenue and Customs would become the regulator of the scheme, the public would have confidence in it and we would be able to shed the civil servants who oversee the PAAE. Mr. Speaker, I see that you are about to rise, so I shall move on.

Mr. Speaker: To the Committee.

Mr. Walker: I shall move on and conclude with this plea. The Committee would certainly benefit from having a young, dynamic Member on it. That young, dynamic Member may not be me; it may be another Member. But it is not too late to add a name to the great list—the smorgasbord of big cheeses—in front of us. What harm could we do by looking at that?

7.33 pm

Mr. Christopher Chope (Christchurch) (Con): It is a pleasure to follow my hon. Friend the Member for Broxbourne (Mr. Walker). He, like other hon. Members and, obviously, my right hon. Friend the Member for North-West Hampshire (Sir George Young) on the Front Bench, will have been taken by surprise by the motion suddenly appearing on the Order Paper today. This meant that the only opportunity to table an amendment that would add my hon. Friend's name in place of somebody else's was behind the Speaker's Chair last night, when today's proceedings became apparent.

That is odd, because the way in which the matter has been dealt with is in stark contrast to, for example, the motions on the Order Paper relating to membership of Select Committees, when a lot of notice about proposed members is normally given and people have the opportunity to object or to table amendments. Indeed, I can remember, as can my right hon. Friend the Member for North-West Hampshire, the appointment of members of the Draft Constitutional Renewal Bill Joint Committee. I objected repeatedly to that motion, and then in the end found myself being appointed to the Joint Committee, which was a great privilege.

Like the hon. Member for Walsall, North (Mr. Winnick), I think that it is unhealthy, in principle, that these appointments should be made by collusion between the Front Benches. Why can appointments not be made more openly by election? That has been a very successful process in relation to the Committee on Reform of the House of Commons, which I hope will bring forward important recommendations at the beginning of the new Session.

Mr. Speaker: Order. The content of the hon. Gentleman's speech is naturally, and entirely, a matter for him. I am not certain in my own mind whether he is seeking to move a manuscript amendment, but there would not be a bar to his doing so if he wished.

Mr. Chope: I am very grateful to you, Mr. Speaker, for making that clear. I look to my hon. Friend the Member for Broxbourne to decide whether he wishes to put forward a manuscript amendment in his own name that could then be put before the House.

Mr. Walker: I am no great expert on parliamentary procedure, but if I am called by the House of Commons to serve, of course I will accept that offer.

Mr. Chope: I think that the process that my hon. Friend needs to go through is to demonstrate a willingness to serve. I suspect that there are sufficient Members in the Chamber willing him to put his name forward and therefore prepared to sign up to a manuscript amendment for his name to go forward in substitution for one of the other names on the Order Paper. In order for that to happen, my hon. Friend—although I know that it would offend against his innate modesty—would have to take the initiative by demonstrating to his hon. Friends, and perhaps to Labour Members such as the hon. Member for Walsall, North, his willingness to serve and the fact that he would be happy to see a manuscript amendment put forward suggesting that his name be added.

Mr. Andrew Turner (Isle of Wight) (Con): My hon. Friend the Member for Broxbourne (Mr. Walker) is mouthing the word, "How?" Can my hon. Friend help him by explaining how he does that?

Mr. Chope: Usually the advice that hon. Members receive from Mr. Speaker is that if they wish for some assistance in drafting or presenting an amendment, they should speak to the Clerk at the Table, who I am sure would, as always, be more than willing to assist. *[Interruption.]* While my hon. Friend the Member for Broxbourne goes and carries out that process, I shall address my remarks further to the issues before us.

The suddenness of the motion's appearance on today's Order Paper has meant that we have not had the chance for proper amendments to be tabled or the opportunity to hold elections. I hope that the Deputy Leader of the House will ensure that she responds fully to the points made in this debate, because although it has been allotted one and a half hours, I do not anticipate that we will speak for anything like that amount of time. She will probably say that the reason for the motion's sudden appearance, without any notice, is the extreme urgency of the matter.

Barbara Keeley *indicated assent.*

Mr. Chope: The Minister is nodding in agreement with that proposition, so I look forward to hearing her expand on it.

How is this Committee, when appointed, going to interact with the Kelly committee's recommendations? As you know, Mr. Speaker, earlier today I raised a point of order about the extraordinary announcements leaked from the Kelly committee. There are conflicting opinions as to where those leaks came from. Apparently one of my hon. Friends has been told on good authority by the BBC that the leak came from Sir Christopher Kelly's committee itself. That might put him in a rather difficult position, given that he is meant to be in charge of maintaining high standards in public life. I cannot see how leaking such information complies with that role, but I shall leave that to one side.

Other conjecture has it that the information was leaked by the right hon. Gentleman who leads the Liberal Democrats.

Mr. Heath: I hope that the hon. Gentleman has one scintilla of evidence for that suggestion, because I can categorically say that it is not true.

Mr. Chope: I am delighted that the hon. Gentleman has been able to remove that possibility, but I spoke to a senior Member of the House this morning about the matter. I will not disclose his name, because he is not in his place at the moment, although I can say that he is among those whose membership of the Committee we may vote on later. He assured me on good authority that he thought that the details had been leaked by the leader of the Liberal Democrats.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I am listening closely to the hon. Gentleman's arguments. Will he define how one becomes and remains a senior Member of the House?

Mr. Chope: It is rather like the definition of an elephant—when one sees one, one knows one. When we look at the right hon. Gentleman, we know that he is a senior and respected Member of this House, but I assure the House that he is not the person to whom I was referring in my remarks about the alleged leak by the leader of the Liberal Democrats.

That takes us to another possibility that is being speculated on, which is that the document was leaked by the Prime Minister and No. 10 to try to divert attention from the climbdown over the Territorial Army and the embarrassment over the Nimrod report. I shall not embark further into that territory, because it is speculation. However, I emphasise that, as I raised with you in my point of order earlier, Mr. Speaker, the Kelly report has now effectively been published. A large number of Members are facing questions from their employees, the press and their families about the implications of that report for them.

Mr. Brooks Newmark (Braintree) (Con): Will my hon. Friend give way?

Mr. Speaker: Order. Before the hon. Gentleman seeks to intervene, I want to call the hon. Member for Christchurch (Mr. Chope) to order. I know that he will not want, for any length of time, to dilate on the matter of the Kelly committee or the recommendations flowing therefrom, but that he will want immediately to focus specifically on the subject of the Speaker's Committee.

Mr. Chope: Exactly, Mr. Speaker, and what we are talking about tonight is the membership of that Committee and how qualified it will be to deal with its functions. I therefore wish to address some of my remarks to those functions, and I hope that the Deputy Leader of the House will tell us about the interaction between the Committee members and their role in dealing with recommendations from the Kelly committee.

Mr. Newmark: May I correct my hon. Friend? I do not believe that the Kelly report has actually been published yet. It is not due out for another week or so. There have been rumours and innuendo, but no report has actually been published.

Mr. Chope: It has not been officially published as a document, but the hon. Member for Middlesbrough (Sir Stuart Bell), who serves on the Members Estimate Committee, said on the radio this morning that there had been an authorised disclosure of it. Although it has not been published officially, there seem to be a large number of people who know about its contents. That is causing a lot of problems for Members and their staff.

Mr. Speaker: Order. May I say again to the hon. Gentleman that, as he knows, this is a debate on motion 3? It is not a leak inquiry, or indeed a debate on a leak inquiry.

Mr. Chope: Absolutely, I agree with you on that, Mr. Speaker—I am certainly not qualified to carry out a leak inquiry. I am trying to ask the Deputy Leader of the House, who has admitted that this is an urgent issue and that that is why the motion is on the Order Paper at such short notice, to assure us that the Committee will be up and running in time to make the necessary appointments to IPSA. That will ensure that IPSA is in a position to take on board the recommendations of the Kelly committee as soon as they are published, so that there is not a period between the publication of those recommendations and the deliberations of the IPSA committee that will discuss them in accordance with the responsibilities placed upon it by the Parliamentary Standards Act 2009.

Mr. Walker: Is it not the case that IPSA will regard the Kelly report as purely advisory?

Mr. Chope: IPSA will certainly do so, if it is advised by the contents of the Parliamentary Standards Act 2009, which makes it quite clear that

"IPSA must…prepare the scheme"

for MPs allowances and

"review the scheme regularly and revise it as appropriate."

I am sure that IPSA's work will be informed by the Kelly Committee report, but I do not think that it will be dictated to by it, in accordance with the 2009 Act. Perhaps the Deputy Leader of the House will be able to give us a bit more information about that when she responds to this short debate.

The question that you, Mr. Speaker, suggested I raise with the Leader of the House tomorrow at business questions was whether it would be possible to get the Kelly report published sooner. It has gone to the printers. It could be published before next Wednesday so that everybody is on a level playing field in terms of information about it.

Mr. Walker: Surely it could go on the parliamentary intranet tomorrow.

Mr. Chope: Of course it could, if there was the will on the part of the Government. I hope that the Deputy Leader of the House will accept that, given the reality of the situation, it would be desirable and fair for the Kelly report to be published this week, rather than delayed until Wednesday of next week. In that way, we would not get more speculation—it keeps coming out gradually, in leaks, and no doubt that will be added to in this weekend's press if the report is not published now.

Mr. Speaker: Order. In addition to the right hon. and learned Lady the Leader of the House and me, the hon. Members for Middlesbrough (Sir Stuart Bell), for Erewash (Liz Blackman) and for North Devon (Nick Harvey), and the right hon. Members for Islwyn (Mr. Touhig) and for North-West Hampshire (Sir George Young), are proposed for membership of this Committee. I am looking forward with eager anticipation to the comments of the hon. Member for Christchurch on the suitability or otherwise of those individuals to be members of the Committee.

Mr. Chope: Perhaps I could start off with my right hon. Friend the Member for North-West Hampshire. He has been a loyal servant of the House for many years. The work he did from the Back Benches as Chairman of the Standards and Privileges Committee was of immense value. It was authoritative and earned him great respect from all his colleagues.

My only concern about his name being on the Order Paper is that he is no longer a Back-Bench Member; he is a shadow Minister. I hope that he will soon be the real thing—a real Secretary of State or the real Leader of the House. Schedule 3 to the 2009 Act, which sets out the terms of the membership of your Committee for IPSA, Mr. Speaker, states, in paragraph 1(d) that there should be

"five members of the House of Commons who are not Ministers of the Crown, appointed by the House of Commons."

It is possible to argue that, inherently, those people should not really be shadow Ministers of the Crown either. They should be proper Back Benchers, like my hon. Friend the Member for Broxbourne.

Mr. David Lidington (Aylesbury) (Con): Surely my hon. Friend heard the comments of the Deputy Leader of the House. She said that our right hon. Friend the Member for Skipton and Ripon (Mr. Curry), who has now succeeded our right hon. Friend the Member for North-West Hampshire (Sir George Young) as Chairman of the Standard and Privileges Committee, will ex officio be a member of the Speaker's Committee, and therefore the voice of Back Benchers will indeed be strongly represented.

Mr. Chope: That may be incidental. I am sure that my hon. Friend is right that our right hon. Friend the Member for Skipton and Ripon (Mr. Curry) is a worthy champion of Back Benchers' interests, but he is taken account of under paragraph 1(c) of schedule 2 to the 2009 Act, along with you, Mr. Speaker, under paragraph 1(a), and the Leader of the House of Commons under paragraph 1(b).

My point is that in terms of the spirit of paragraph (d), when it refers to five Members of the House of Commons who are not Ministers of the Crown, my hon. Friend the Member for Broxbourne is a Back Bencher who is youthful and energetic—and the other expressions that he used—whereas my right hon. Friend the Member for North-West Hampshire would be bound to concede that he does not share those qualities, because he is inevitably tainted by being a shadow Minister, rather than a free spirit on the Back Benches, as he was for such a long time.

Peter Bottomley (Worthing, West) (Con): On a point of order, Mr. Speaker. Is it in order to use the word "tainted" about someone who takes on a position of responsibility in a party in Parliament?

Mr. Speaker: I shall exercise my discretion and say that nothing disorderly has happened so far, but I am all agog.

Mr. Chope: My right hon. Friend the Member for North-West Hampshire and I go back many years, and I shall not explain to the House the way in which we have interacted in various posts. He knows that the

comments that I make are not directed at his integrity, which is 100 per cent. absolute, but at the fact that inevitably, by becoming a shadow Minister, he has become separate and apart from those of us who are not on the Front Bench.

At the beginning, Mr. Speaker, you said that this is an important debate, and I am glad that we are having it now. It is very timely, for the reasons that I have already set out in relation to the need for clarification of the interaction between what Sir Christopher Kelly recommends and the work of the IPSA, especially the Speaker's Committee that we are appointing this evening.

I do not know whether my hon. Friend the Member for Broxbourne has decided to put his name forward.

Mr. Walker: I have decided not to put my name forward, because I would not want to bump any of the excellent people on the Committee off it. In future, I would like to be considered for Committees of the House, because they are often far too establishment, and that is the point that my hon. Friend is making.

Mr. Chope: If this debate has achieved nothing else, it has enabled my hon. Friend to make a strong case for being the first natural choice for membership of Committees such as this. I hope that it will be with a certain amount of remorse that my Front-Bench colleagues will say that they are sorry that they did not think of my hon. Friend for membership of this Committee. If my hon. Friend is not willing to put his name forward, we have a choice between all the people on the Order Paper or none of them.

As the hon. Member for Walsall, North has said—I share his reservations—we face a difficult choice. Either we vote against the lot or we allow matters to proceed. In anticipation of what I hope will be the Minister's response, I confirm that I would not be minded to vote down this list of worthy nominees. However, I would wish to have some hard evidence from the Minister of the urgency of this and how it will lead into the early appointment of the members of the IPSA and an early start to their work, perhaps before the turn of the year, so that they can get to grips with the recommendations that Sir Christopher Kelly has made and about which I hope we will learn more by the end of the week.

7.54 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): We have had some interesting bids. Let me turn first to the question of Committee membership, given that it seems to have been a preoccupation of much of this short debate. It was raised by the hon. Members for Macclesfield (Sir Nicholas Winterton) and for Castle Point (Bob Spink), my hon. Friend the Member for Walsall, North (Mr. Winnick) and the hon. Member for Broxbourne (Mr. Walker), who made a bid.

Stephen Pound (Ealing, North) (Lab): May I just say that, if nominated, I will not run, and if elected, I will not serve? That should be widely accepted by the House.

Barbara Keeley: I thank my hon. Friend for that point.

We have had this debate a number of times. I think it came up when we considered the nominations to the Parliamentary Reform Committee. I do not want to intrude on the Conservative party's obvious grief, but it is up to it to decide how it does this. It was open to it to have an election, and the hon. Member for Broxbourne could have put his name forward. That would have been fine. But it does not seem to have done that.

Some points were made about the great and the good, cheese, a smorgasbord and all kinds of other things. My hon. Friend the Member for Erewash (Liz Blackman)—we will all have to get our heads around her constituency name—is no longer in her place, but she looked rather surprised to find herself so elevated, if being a smorgasbord or cheese is an elevation. This Committee is not exactly the same as previous Committees with similar functions, and I am sure that she will relish the task before all members of the Committee.

Mr. Winnick: I said earlier that I did not intend to press this matter to a Division, and I normally keep my word, so I shall not do so. However, may I press my hon. Friend? I am sure this was not her intention, but we should not dismiss the legitimacy of voting. It is very important. Obviously, she will not misunderstand me again when I say that this matter is not quite within her responsibility—it goes to a more senior level, as is bound to happen in government and the rest of it. I hope, therefore, that she will communicate with her senior colleagues on this matter. If it were put before the parliamentary Labour party, I believe that there would be a very strong case for this particular Committee to have the legitimacy of elections.

Barbara Keeley: Indeed. I am sure that all hon. Members' points about the method of nominating Members to Committees have been heard and will be taken into account. The Labour party held an election on the Parliamentary Reform Committee, and it will be open in the future to the hon. Member for Broxbourne and his hon. Friends to nominate him, to have an election and to go forward on that basis.

Mr. Walker: I am sure that there could be elections in the future. The point I was trying to make is that these Committees tend to be made up of establishment figures. The hon. Member for Erewash (Liz Blackman) is a former senior Government Whip. Newish Members never seem to get a look-in.

Barbara Keeley: That is a comment from the hon. Gentleman to his own Front-Bench colleagues, so I shall leave them to deal with it.

Mr. Heath: The hon. Lady is right—that was a comment to the hon. Gentleman's Front-Bench colleagues. However, this evening we have heard a degree of frustration that the same names crop up time and again on these so-called in-House Committees. There is a feeling that perhaps, sometimes, the advice of some of those Members has not been of the best quality.

Barbara Keeley: Those points have been aired well in this short debate, and I am sure that they will be taken on board. I do not know exactly how the process was gone through, but it might have been thought that, at this difficult and turbulent time—again, today, we find

[Barbara Keeley]

ourselves in such times—it was a fair idea to have people with experience of what has been happening and of the different schemes put together. However, I do not know, because I was not involved in the discussions.

Mr. Walker: The problem is that often it is people with experience who get us into a mess in the first place. That is a problem with which many of my in take—from 2005—on both sides of the House have to wrestle.

Barbara Keeley: I cannot help any further on that point. I am sure that all points have been made as well as possible.

Let me turn to some of the other questions that have been asked in this debate. If there are any points that I cannot answer this evening, I am sure that my right hon. and learned Friend the Leader of the House will touch on them tomorrow or that we will be able to deal with them in the next few weeks.

I understand that the recruitment of the chair and members of the Independent Parliamentary Standards Authority is expected soon. In fact, a substantial part of the reason for our urgency in moving this evening's motion is that we need the Committee to be on board with the functions that I touched on earlier, in order to ratify the nomination of the chair and board members before they are put to the House. The Speaker's Committee will be a key part of that process.

I was asked whether I could "shed any delight" on the timetable, which I thought was interesting for this time of day, although I assume that what was meant was "light". As far as I understand the progress on setting up the new authority, it has an interim chief executive, whom Mr. Speaker appointed. Tonight we are discussing the establishment of the Speaker's Committee, and very soon—once the Committee is convened—we would expect the board to be convened, also with its chair and members. All that work will go forward.

Mention was made of remuneration. I am aware of some discussion about that. Points were also made about transparency. The 2009 Act specifies that Mr. Speaker will determine the terms and conditions for the chair and ordinary members, who will later be appointed by Her Majesty, on an address to the House. I am sure that the points that have been made about transparency have been well received this evening.

Mr. Andrew Turner: Is the hon. Lady saying that members of the Committee are shortly to be appointed—in other words, that she knows who they are—or that she does not yet know who they are and neither does anyone else?

Barbara Keeley: The hon. Gentleman refers to members of the Committee, but the nominations for the Committee is what we are discussing this evening.

Mr. Turner: I am sorry, I meant the board.

Barbara Keeley: The answer is yes. Advertisements have been placed, so the process of recruiting the chair and board members is going ahead. That is very much the reason for the urgent need for the Committee to interact with the process.

Some other points have been raised, about interaction with the Kelly report. We do not have the Kelly report, and I very much regret its leaking, as I am sure everyone else in the Chamber does. The leaking of matters to do with the House and MPs is despicable, but leaked it seems to have been. On interaction with Kelly, let me remind hon. Members that the new Independent Parliamentary Standards Authority's primary functions include determining and administering an allowances scheme, so clearly there needs to be some interaction with the Kelly report.

A key function of the new Independent Parliamentary Standards Authority is to prepare any scheme and to review and revise it as appropriate. In doing so, it must consult a wide range of people, as set out in the 2009 Act, including the Committee on Standards in Public Life, so there will be that interaction backwards and forwards.

Peter Bottomley: Could the Deputy Leader of the House confirm that we are talking about an independent body that will be supervised by the members of the Committee that we are discussing and that it would be open to them not to change, or indeed to change, any recommendations that Kelly makes?

Barbara Keeley: I think that the answer is yes. The Independent Parliamentary Standards Authority is clearly an independent body—it has the word "independent" in its title. That is the key reason for moving to the new scheme and for our working so hard a couple of months ago to get the 2009 Act through. There will be consultation, but one of the new authority's key functions, as we recognised in setting it up, is to prepare, review and revise schemes of allowances.

Bob Spink: Does the hon. Lady think that the public will be greatly impressed by the word "independent" in the title, given that the chairman will be selected by the usual suspects from this House, who have patently failed the public in not controlling Members' allowances in the past?

Barbara Keeley: That is a matter of opinion, although I do not share the hon. Gentleman's view.

Mr. Chope: The Deputy Leader of the House has not yet told us when the board will start its work. I wonder whether she could tell us that and, at the same time, perhaps answer the question that I put earlier about whether there is any possibility of the Government ensuring that the Kelly report is published sooner. It is already at the printer's and could be published before this week is out.

Barbara Keeley: I do not think that it is our function this evening to discuss the Kelly report, but as I understand it, the report is due to be published next Wednesday. Its publication obviously involves outside printers, and there is a certain amount of work to be done. I have heard the points that have been raised this evening, but it is not a matter for this debate to do anything about that.

On the timetable, I have laid out that there has been substantial movement. We are recruiting the board of IPSA; that is going ahead after you placed the adverts, Mr. Speaker. The new Committee, if we agree it this evening, will be able to go forward. The timetable,

however, is not exact because we cannot set out a timetable for a board that does not exist yet. It will exist fairly soon, however, and we shall be able to make progress from there. There is now also an interim chief executive.

A point was raised about staffing, and I understand the concerns that have been expressed by the staff of the House. I have met the unions representing all the staff of the House, and I know that there have been other meetings, and all their concerns are being taken on board. I think that that covers most of the questions.

Peter Bottomley: I am not sure who is advising the Leader of the House or the House authorities, but can we have an assurance—if not now, in a written statement later—that what would be required of an employer elsewhere in terms of the interests of the staff will be fulfilled here?

Barbara Keeley: I can do no more than say that I have been working on this, along with other people. An implementation team in the Ministry of Justice was working on setting up IPSA over the summer, and meetings and discussions have also been held with the trade unions. We had a lengthy meeting in which we discussed and noted all the concerns, but the difficulty that I have in dealing with them is that, until the board of the new authority is established, there is little that can be said about what it will do. It would not be right to hamper the setting up of the new authority or to constrain what it can do, but it will clearly move forward.

Mr. Chope: Is it the Minister's hope and desire that the board will be up and running before the end of this calendar year, so that it can deal with these important, urgent matters?

Barbara Keeley: All we can say on this is that everything will move as fast as it can. Given that we only debated this in the summer, the fact that we have worked across the summer and are now appointing the board and the Committee demonstrates that we have made very good progress.

I want to conclude now, as that would be fair to Members—

Mr. Andrew Pelling (Croydon, Central) (Ind): Will the Minister give way?

Barbara Keeley: I shall not take any more interventions.

On the matter of urgency, I do not feel that I need to come back to this matter. We moved the Bill through Parliament and decided to create the Independent Parliamentary Standards Authority because it was the view of Members on both sides of the House, as the right hon. Member for North-West Hampshire (Sir George Young) said, that it was no longer acceptable to the public that Members should set and pay their own allowances. That is a continual matter of urgency—

Bob Spink: On a point of order, Mr. Speaker. There is still quite some time to run in this one-and-a-half-hour debate. Since the advertisements for the board and the chairman have already gone out, is it in order for the Minister not to inform the House of the salary levels that have been set for those posts?

Mr. Speaker: The hon. Gentleman is experienced enough a Member of the House to know perfectly well that that is not a point of order. What the Minister chooses to tell the House is a matter for the Minister. The hon. Gentleman has registered his views with his usual force and alacrity.

Peter Bottomley: Further to that point of order, Mr. Speaker. Yes must be the House's response to what you have said. That might not be a point of order under this motion, but to make a point of order to the occupant of the Speaker's Chair about the salary of the chairman of the board is probably covered, because it is part of the arrangements for the salary of the chairman of IPSA, which is in the hands of the occupant of the Chair.

Mr. Speaker: There is a statutory duty involved here, but questioning me on the matter in the way that the hon. Member for Castle Point (Bob Spink) just attempted to do does not, in my judgment, constitute a point of order.

Barbara Keeley: I want to bring this to a conclusion now.

Mr. Pelling: Will the Minister give way?

Barbara Keeley: No, I have said that I am not accepting any more interventions. I have touched on the fact that the terms and conditions for the chair and ordinary members are by statute—yours, Mr. Speaker, to decide and determine, as you have done. Hon. Members have raised a number of points about that, and I am sure that they have been listened to.

The House is asked to appoint the remaining five members of this Committee. On behalf of the Government—and, I hope, the House—I commend this motion.

Question put and agreed to.

Ordered,

That Sir Stuart Bell, Liz Blackman, Nick Harvey, Mr Don Touhig and Sir George Young be appointed under Schedule 3 to the Parliamentary Standards Act 2009 as members of the Speaker's Committee for the Independent Parliamentary Standards Authority until the end of the present Parliament.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

INCOME TAX

That the draft Offshore Funds (Tax) Regulations 2009, which were laid before this House on 13 October, be approved.—*(Mr. Watts.)*

Question agreed to.

COMMITTEE ON ISSUE OF PRIVILEGE RELATING TO POLICE SEARCHES ON THE PARLIAMENTARY ESTATE AND INTERNAL PROCESSES OF THE HOUSE ADMINISTRATION FOR GRANTING PERMISSION FOR SUCH ACTION

Ordered,

That the Order of the House of 13 July 2009 relating to the Committee on issue of privilege relating to police searches on the Parliamentary Estate and internal processes of the House

Administration for granting permission for such action be amended in line 16 by leaving out '31 December 2009' and inserting '31 March 2010'.—*(Mr. Watts.)*

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Mrs Janet Dean be a member of the West Midlands Regional Select Committee.—*(Mr. Watts.)*

Hon. Members: Object.

Motion made,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Mr. Watts.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—*(Mr. Watts.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mr. Watts.)*

Hon. Members: Object.

UK Inventors

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

8.11 pm

Mr. David Heath (Somerton and Frome) (LD): It is a great pleasure to have the opportunity of using a short period of the House's time to talk about something that this country is very good at, which is invention and inventors. It has often been said that Britain is brilliant at invention, but it is sometimes said that Britain is not quite so good at the commercialisation of invention. I want to touch on that, but not from the point of view of large industry research and development, or the people engaged in scientific support for industry, but in support of individual inventors, by which I mean the people working in their garden sheds, their garages and their upstairs bedrooms in order to bring an idea they have fostered to the point at which it can become a reality.

My interest in this subject was sparked by a visit I made a few weeks ago to an organisation called the south west inventors club, which I strongly recommend. It is a group of inventors, as the name says, from the south-west. They meet to exchange information and support each other; they help each other in the gradual development of their individual projects. When I was invited to go, I did not really know what to expect. I suspected that I would not see the caricature of the lone inventor—the sort of slightly distressed gentleman emerging from a shed with a blackened face and hair awry, or, in short, an eccentric. I knew that these were serious-minded people who were very different from that in their attitude.

I was not disappointed. I met a variety of people. Some had a high level of scientific qualification and background; others did not, but had spotted an opportunity that they thought capable of being brought into reality. Some of the things developed in that club—sometimes by my constituents, sometimes not—had already been brought to market. A gentleman had invented a device for fitting to the filler caps of diesel cars to prevent people from inadvertently putting lead-free petrol into the tank. Anyone who has done that knows that it has a disastrous effect on the car and, in due course, on the pocket. The simple device he invented prevented that from happening. Incidentally, it cannot happen the other way around; one cannot put diesel into a lead-free car because the nozzle prevents it being done. I think that that invention is likely to become a big seller and a standard fitting on a lot of cars. I am very pleased that the inventor is a gentleman who lives in Podimore in my constituency.

Another gentleman was demonstrating what he called a multi-stride tool, for use by carpenters, fitters and do-it-yourself enthusiasts to ensure the correct fitting of screws, handles and so forth to doors. He had devised it because he had realised that it was a tool that he himself needed. He had then brought it to market, and it is now being sold not just in Britain but in America, in major do-it-yourself stores. He had cracked it: he had reached that point of departure. I recall that some years ago a gentleman from Bower Hinton, also in my constituency, invented a completely new set of spanners. Working on a farm, he too had realised that such an invention was needed.

What unites so many inventions is that once we have seen them, we think "How obvious", and wonder why on earth they have not always been there. The answer is that it was necessary for someone to have the necessary spark to invent them. As I have said, I was very impressed by many other inventions that I saw that evening, but I cannot speak about them because the intellectual property rights have not yet been ascertained, and they must therefore remain secret. What I can say is that I witnessed a display of mutual support and mutual giving of information. I also realised that there was a capacity problem, and also a problem with advice and support.

I do not have up-to-date figures, but the figures that I have suggest that between 2002 and 2005 the number of patents filed fell from 20,000 to 17,000, which is a 15 per cent. drop. The patents that were filed must have been of better quality, because the number of patents granted increased by more than 13 per cent. Up to a fifth of all the patents filed were granted during that period. A quarter of the applications were made by lone inventors, which means that a large proportion of the inventions were developed not by big business or industry, but by the individual.

What problems do inventors face? There is the problem of getting their ideas to the point at which they can be marketed successfully, part of which involves understanding the market itself: understanding what the market wants, and how their ideas fit into what is already there. Another problem is understanding what investors seek from a person whom they do not know and who wants to promote an idea. Inventors also sometimes have problems in filtering their ideas in order to identify the runners and the non-runners. That too may seem obvious, but it is not, and it requires expert help.

Inventors often need advice on strategy: on the analysis of the market, competitors, and the skills that are required to enable them to take their inventions to market. Then they hit the big barrier of patenting and the legal issues associated with protecting their intellectual property rights. That involves expense, but it also involves expertise. They must know how to set about the process, and how to protect themselves from the rather better-equipped lawyers acting for businesses that might want to exploit their inventions. Then there is the development of a prototype. That too needs initial investment, which will often be hard to come by. They must get the invention off the drawing board and turn it from something built with string and plasticine into something that can be demonstrated to work, and demonstrated to work to the satisfaction of the partners that they will need in order to proceed.

In some parts of the country there is a lack of support schemes, although in other parts there are good ones. The south west inventors club is an example of a good one, but provision is patchy. Support schemes are helpful in several ways, such as in pointing to those who offer genuine help and in warning against those who fraudulently offer support in order to steal ideas.

There is also a problem in getting big business interested in the amateur, because it is often not interested. It works by looking at its own products and development streams. If someone has an idea that is of relevance, it can be hard for them to identify who in the corporate structure might listen and be willing at least to take them to the next step.

What are the remedies? I do not pretend that I have all the answers, and nor do I pretend that nothing has been done before now to meet some of the demands. I have mentioned inventors clubs; I would like there to be many more of them. They should be promoted. The peer review that is inherent in such clubs' activities is of great benefit, as is the mutual support they offer.

Organisations such as Business Link and the regional development agencies must be fully engaged. Business Link is very good in terms of what it makes available online—it has comprehensive website support. In some other areas, too, it provides exactly the sort of help that people need for the initial stages. Again, however, this support is patchy; it is not consistently provided across the country as that very much depends on the enthusiasms of local organisations. I do not think that RDAs do nearly enough on this, however. They do not recognise the huge potential economic benefit in seeing such ideas brought through the stages of development to eventually creating jobs and wealth. RDAs are simply not set up to identify these opportunities, but they should be.

The British Library is also enormously valuable in this regard. I was not previously aware of that. Shortly after I discovered that I had secured this debate and it was advertised, I was contacted by the public affairs manager at the British Library, who said, "You do know what we're doing already, don't you?" I am a great fan of the British Library. I visited it to attend an exhibition only a few months ago, and I think it does a great job. In 2006, it set up the British Library business and intellectual property centre, which provides a lot of support to those businesses who can find their way there—that is the critical factor, of course. It says it has welcomed 100,000 businesses since it opened. Interestingly, it also said it had recently experienced a marked increase in the number of people finding their way there, particularly among people who are unemployed. Perhaps one reaction to the recession is that people who have been nursing an ambition for a long time are thinking, "Now is the time. I'm going to do something about this", and they are trying to make use of the support that is on offer.

The centre at the British Library offers some of that support, but—and it is a big "but"—it could do more if it had a little more investment and connection with the rest of the country. The British Library is a national resource, but it is in London. It is online, so it is available to everyone via the web, but there is a difference between getting information online and actually going and talking to someone face to face. I therefore wonder whether we need a greater ability to use the facilities of the British Library in other parts of the country in order to provide support.

The key issue is so often funding and finding the right business partner—business angel—to take a project forward. I have a pedantic issue with the popular TV series "Dragons' Den"—its name. Dragons do not live in dens; however alliterative that may be, they live in lairs. That puts me off, but it is a very good and entertaining programme, and it provides a real connection between people with money and people with ideas, so that the money supports the ideas. We need more dragons' dens; we need an easily available one in every part of the country, rather than just having a television programme. We need something that puts people with money in contact with people with ideas and enables them to come to local agreements.

[Mr. David Heath]

My final point perhaps deals with a much bigger issue, although I am unsure whether it falls directly within the context of this debate I wonder whether it is time that we should start to think in terms of local—regional—stock exchanges. We are used to the investment money that flows through London, but London is not the country as a whole. I would love to see a stock exchange in Bristol or Bath, in Cardiff and in the cities of the north of England. That would provide the opportunity for local people to invest in local entrepreneurs and provide that sort of funding. This is an idea whose time has perhaps come, and I impress it on the Government as something that should be examined.

In summation, I am saying that there are people with great ideas who have a problem: they often face so many barriers in taking those ideas forward to the point at which they go into production and start creating jobs and wealth. A relatively small amount of support, in addition to what is being supplied, could unlock a huge amount of capacity for innovation and invention across the country. I am inviting the Minister to agree with that proposition and to take away the thought that this is something that the Government can usefully do, not just centrally—not just here in the capital—but across the country, so that all those people with their bright ideas in their garden sheds end up with the factories producing the goods, which will help us through the current economic problems and to a much brighter future.

8.27 pm

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): I congratulate the hon. Member for Somerton and Frome (Mr. Heath) on securing this debate and on the manner in which he put his remarks. I hope that he will also allow me a moment to congratulate a native of Frome, Jenson Button, on becoming Formula 1 world champion. If we praise Mr. Button's success, we must also recognise that it was made possible by the inventiveness of his British-based team, so, I welcome the hon. Gentleman's choice of subject for this debate.

Invention is an important subject in a country whose competitiveness in world markets, no less than on the race track, depends increasingly on its ability to make technological breakthroughs and put them to good use. Sometimes those breakthroughs are the product of big-money investment by big business, sometimes they are the result of practical applications being found for discoveries made in our universities and sometimes they happen just because the proverbial lone inventor has a bright idea—the hon. Gentleman has elucidated that—while doing the washing up, for example.

For many inventors there is often a missing link somewhere in the chain. Whether we are talking about funding at an early stage, protecting their intellectual property, developing a prototype, finding the right partner or bringing the product to fruition and to market, we need to create an environment in which innovation can thrive. The Government recognise that, which is why we and our partners have a raft of ways to help inventors bridge those gaps.

The hon. Gentleman is right. We have traditionally been very good at invention in this country, but we have been far less good at commercialisation. Many of the new industries and technologies that we now rely on, particularly those to do with the internet, were born out of the previous recession in California. We need to get better, and all our policies are aimed at ensuring that.

Any inventor's first port of call for advice should be the excellent Business Link website. It offers a wealth of advice, including tips on commercialisation and legal issues, and contains links to other sources of local and regional support for inventors. However helpful the advice on offer is, finances will undoubtedly, of course, be one of any inventor's chief concerns. This is an area where I hope that our record of investment is beginning to bear fruit. Since 1997, public spending on the UK science base in particular has more than doubled. Although much of that money has been spent in universities and research institutes, it has undoubtedly helped to bolster sectors of the economy that will drive future growth. They include life sciences, low-carbon technology, digital media and advanced manufacturing.

Focusing investment in invention and innovation on areas where we have existing strength and potential future competitive advantages makes sense at any time, but it is more important than ever as we begin to emerge from recession into recovery. Help is available in the form of grants for research and development. They provide funding which can be used to fund proof of concept, research, prototyping, patenting and product development costs.

The grant for research and development is a Solutions for Business product, which can help to introduce technological innovation in businesses. The grant provides finance to individuals and small and medium-sized businesses in England to research and develop technologically innovative products and processes. It is a national scheme that is run and funded by the regional development agencies and the budget for the grants available to inventors in the south-west is £1.5 million this year.

In previous years, that money has supported a number of individuals and small companies in the south-west in taking their product to market, such as the grants that went to Fluvial Innovations, a multi-award-winning company that provides functional and economical solutions against the risk of flooding, and Xintronix, a high-tech semiconductor company that was supported by UK Trade and Innovation and the South West of England Regional Development Agency. These companies are two of a number of companies that had just one employee at the time of application.

I recognise that some call for full funding through the grant for research and development, but that is not right in principle. We cannot fully grant inventors the whole cost of their inventions, as all serious inventors need to share the risk of their inventions. Beyond that, there are state aid rules that preclude 100 per cent. support for any inventions.

Collaborative research and development is another Solutions for Business product that provides grants to help cut the cost burden associated with bringing research to market. The grants are delivered as part of the activities of the Technology Strategy Board. We have also introduced innovation vouchers to enable small and medium-sized enterprises to buy support from knowledge-based institutions so that they can explore potential opportunities for collaboration in developing new products. Innovation vouchers are being piloted

nationally, and the pilot will start in the south-west region in April 2010. The hon. Gentleman will want to ensure that the inventors whom he has met recently are able to access those innovation vouchers.

A number of other agencies around the UK fund innovation. Time prevents me from mentioning them all, but they include the National Endowment for Science, Technology and the Arts, the Design Council and the 10 EU-funded business innovation centres. In addition to grants, many inventors will need some form of equity finance if their inventions are to be realised commercially. The British Business Angels Association and the British Private Equity and Venture Capital Association provide help with all aspects of business angel and venture capital support.

This is a tough time for venture capital, but the support is there. Business Link also has a comprehensive guide to equity finance that explains the Government grants available to help finance parts of projects.

Funding can be a key issue, and as the hon. Gentleman said, other aspects of inventing can be complicated, too. Most inventors are looking for quality intellectual property advice, and the Intellectual Property Office and its partners have developed a suite of products to guide them through the process. There are online databases, such as the one run by the British Library and the European Patent Office to which the hon. Gentleman referred. Inventors can search them for patent documents for free, and I hope that many of the applications are granted as a result of the advice that is available.

There is also an intellectual property tool online, known as the IP Healthcheck, which is free to use and helps inventors answer questions about intellectual property. It is broken down into the four elements of patents, trade marks, designs and copyright, each of which should take no more than 20 minutes to complete. Advice and help on searching patents, designs and trade marks is also available through the network of 13 patent information libraries, two of which are in the hon. Gentleman's area, at Bristol and Plymouth.

The IPO also runs a programme of free intellectual property awareness seminars across the UK, aimed at businesses that want to find out more about the benefits of using intellectual property. The IPO also produces a guide to the advantages and disadvantages of seeking patent protection, and it also offers help with the use of trade marks. For the past 10 years, the IPO has supported the ideas21 network for inventors, which enables successful inventors, business and intellectual property professionals to help would-be inventors through the complex process of turning an idea into a commercial success.

Among many other initiatives, the IPO is currently working with partners to develop a standard for invention promoters. Most invention promotion or marketing companies are perfectly reputable, but I know, as was said earlier, that too many inventors have fallen foul of unscrupulous operators in that area. I hope that the new standard will help inventors to market their ideas with more confidence.

The hon. Gentleman mentioned the effects of fees for patents on inventors. Although patents do entail an outlay, the fees chargeable for an initial patent remain well below cost price. Indeed, the real cash price of a patent is lower now than it was 150 years ago—notwithstanding the involvement of lawyers in this area.

The Government encourage and support invention, but we do not pick winners. Instead, we want to create the right environment for invention and innovation to thrive. When inventors are ready to take their invention to market, we help them identify the best way to find a potential licensee. We also offer guidance about the non-disclosure agreement process by which they can secure a confidentiality agreement before revealing their idea.

We also encourage collaboration with business or universities. I particularly mention universities. There are so many spin-outs coming out of our universities for inventors to be plugged into what is happening in that hub in their local area. Business Link does what it can to ensure that right from the beginning, all the advice is available. It will be regional and it will be different in different contexts. We know that it is not perfect, and we want to make it better. I hope that in my short contribution I have set out all that is available.

Regional development agencies are important in this context. The overall spend on innovation is £260 million across the region. It must be for RDAs to determine local priorities, but I know that that is understood in the south-west. It is an area where creative businesses have been at the hub of activity, not just locally, but nationally. I commend the hon. Gentleman for bringing the matter to the House, and I hope I have set out how we are attempting to provide support. We can get better and we must do so. We must be in a position to commercialise invention and bring to full fruition the innovation nation that the Government have always said we must be.

Question put and agreed to.

8.40 pm

House adjourned.

House of Commons

Thursday 29 October 2009

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CANTERBURY CITY COUNCIL BILL *(BY ORDER)*

Third Reading opposed and deferred until Thursday 5 November (Standing Order No. 20).

NOTTINGHAM CITY COUNCIL BILL *(BY ORDER)*

Third Reading opposed and deferred until Thursday 5 November (Standing Order No. 20).

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*] *(BY ORDER)*

Consideration of Bill, as amended, opposed and deferred until Thursday 5 November (Standing Order No. 20).

MANCHESTER CITY COUNCIL BILL [*LORDS*] *(BY ORDER)*

Consideration of Bill, as amended, opposed and deferred until Thursday 5 November (Standing Order No. 20).

CITY OF WESTMINSTER BILL [*LORDS*]

Motion made,

That so much of the Lords message [12 October] as relates to the City of Westminster Bill [*Lords*] be now considered.—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*]

Motion made,

That the promoters of the Bournemouth Borough Council Bill which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

MANCHESTER CITY COUNCIL BILL [*LORDS*]

Motion made,

That the promoters of the Manchester City Council Bill which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

CANTERBURY CITY COUNCIL BILL

Motion made,

That the promoters of the Canterbury City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

LEEDS CITY COUNCIL BILL

Motion made,

That the promoters of the Leeds City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

NOTTINGHAM CITY COUNCIL BILL

Motion made,

That the promoters of the Nottingham City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

READING BOROUGH COUNCIL BILL

Motion made,

That the promoters of the Reading Borough Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—*(The Second Deputy Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Thursday 5 November.

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Natural Environment

1. **Mrs. Madeleine Moon** (Bridgend) (Lab): What recent assessment he has made of the effectiveness of his Department's policies to protect the natural environment; and if he will make a statement. [296300]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): We have seen improvements in water quality, more species have been protected, pollution levels are decreasing, and 89 per cent. of our sites of special scientific interest are in a favourable or recovering condition. However, we all need to do more to protect our natural environment, and securing a good deal at Copenhagen would be a very important step forward.

Mrs. Moon: My right hon. Friend will be aware that last Monday night I hosted the fourth annual bat and moth evening in the House. A large number of Members attended to see how those vital species, which are interdependent, are declining. In this year when we are celebrating 150 years since the writing of "On the Origin of Species", and with next year being the international year of biodiversity, what is he going to do to ensure that in another 150 years, our descendants will not be attending museums and looking at further bat and moth species that we have lost?

Hilary Benn: I congratulate my hon. Friend on hosting the event, and I am sorry that I was not able to join her for it. The single most important thing that we can do is understand and appreciate more the value of biodiversity, including what it does for us, because it is fundamental to human existence and we have taken it for granted for far too long. It sustains our economy, our clean water and air and the production of our food. We need next year to get a new target internationally agreed that we can measure and make progress on.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the Secretary of State agree that the scourge of ragwort is a shame to this country? His Department has issued a code, which appears to be widely ignored. Will he therefore take steps to see to it that this infection is removed from our countryside?

Hilary Benn: I share the hon. Gentleman's concern, and we are trying to find the most effective way to deal with such invasive species. I am happy to write to him to set out the steps that we are seeking to take.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that if we are to protect the natural environment, we have to get people to visit it? Has he seen the Natural England survey showing that children's access to green space and the natural environment has halved in a generation. What are the Government going to do about that?

Hilary Benn: I have seen that report, and I share my hon. Friend's desire that more people should have the chance to get out there. The national parks provide a wonderful opportunity for that, and of course the coastal access provisions of the Marine and Coastal Access Bill, which received its Third Reading earlier this week, will provide further opportunities for young people and others to enjoy the beauty of our countryside.

Mr. Richard Benyon (Newbury) (Con): It is clear that the Government will break their promise to halt biodiversity loss by 2010. In an admission of failure to the Environmental Audit Committee, they said that it was "never realistically achievable". Now the Secretary of State talks of more targets for some date way in the future. Is it not the truth that there remains a marked lack of will in the Government to reverse biodiversity loss?

Hilary Benn: I profoundly disagree with that last statement. The Government are very committed. If the hon. Gentleman considers, for example, bird numbers, we have managed in this country to stop the decline that happened between the 1970s and the 1990s. The number of sea birds is up, we have offered protection to Lyme bay to safeguard the pink sea fan and there are otters in every single English county for the first time in 40 years. However, we need to do more, and the point about having a target is that it gives one something to aim for.

Floods (Pitt Report)

2. **Philip Davies** (Shipley) (Con): What progress has been made in implementing the recommendations of the final Pitt report on the 2007 floods. [296301]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): The Government published their response to the Pitt review last December. It set out what we had already achieved and what we needed to do to implement the remaining recommendations.

We published the first progress report in June 2009, and it showed that further good progress had been made across the board. The next progress report will be published in December.

Philip Davies: Does the Minister agree that one of the best ways to stop houses being flooded is to stop building them on floodplains? If he agrees, why have the Government presided over building so many houses on so many floodplains?

Huw Irranca-Davies: Ultimately, the hon. Gentleman knows about the progress on the review of planning policy guidance note 25 and that approximately 98 per cent. of developments follow the Environment Agency's recommendations. I am slightly disappointed that he has not remarked on the doubling of investment under the Government for flood defences since 1997.

Mr. Eric Martlew (Carlisle) (Lab): The Pitt inquiry states that the public utilities should be protected—the fresh water, electricity and waste water plants. That was especially a problem when Carlisle flooded. Has satisfactory progress been made on that?

Huw Irranca-Davies: That is an important point and I am pleased to tell my hon. Friend that we set up a new Cabinet Office team to ensure that critical national infrastructure—for example, power stations—is properly protected from flooding. If we are lucky in what may be in the Queen's Speech—we can never second-guess it—there is an imperative under the Labour Government to get on and deliver the legislation that will give further protection to homes, businesses and infrastructure.

Miss Anne McIntosh (Vale of York) (Con): This Cabinet Office team was meant to meet last year and report by the spring on a national audit of all critical infrastructure at risk. Why has it failed to do that?

Huw Irranca-Davies: I am pleased to report that that work is well under way. Every time we stand at the Dispatch Box, Conservative Front Benchers harry the Government to do more. They simply ignore what has been done—the £9.7 million awarded to 77 local authorities with the highest risk and potential for surface water flooding; the £5 million currently open for bids to deal with well-known local flooding problems; the £1 million for training, data and other tools for local authorities; and our work on flood forecasting. Sometimes it would pay to stand up and recognise the work that is being done.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): As a native of Gloucestershire, I saw at first hand the devastation caused by flooding in the Tewkesbury, Gloucester and Cheltenham area. I hope that the Minister agrees that measures to ensure that that never happens again should be introduced as a matter of urgency. What prospects are there of a suitable Bill in the Queen's Speech? What assessment has my hon. Friend made of securing all-party support to get it through as quickly as possible?

Huw Irranca-Davies: I assure my hon. Friend that we are very keen to get on. I welcome the fact that at a conference run by Marketforce and the Institute of Economic Affairs as recently as 15 October, my Opposition Front-Bench colleague said that

"we are concerned that a Bill may be dropped from this final session altogether. The Government will have serious questions to answer if, two years after the Pitt report, there is not only no legislation for the water industry but also nothing to address the urgent problem of flooding."

I can tell my hon. Friend that, through consultation on the draft Bill and through our work, we are keen to get on with it. We cannot presuppose the contents of the Queen's Speech, but I hope that, on the basis of what I have said, we will have full, solid and cross-party support to deliver the protection that we need for homes and businesses.

Mr. David Heath (Somerton and Frome) (LD): May I ask about the property-level flood protection grant scheme? If householders take measures at their own risk in advance of the survey, which is part of that procedure, is it the case that they cannot be paid retrospectively for the work done? That seems unfair. It is no good waiting until it rains before taking the measures needed to protect one's home.

Huw Irranca-Davies: My understanding is that that is a matter for local authorities, many of which, as the hon. Gentleman knows, have applied and bid for the funding. However, I am more than happy to write to him with details to clarify the point that he has raised. It is important, and when people take responsible approaches to their properties' resilience, that needs to be recognised, but I will write to him.

Local Food Chains

3. **Mr. David Drew** (Stroud) (Lab/Co-op): What assistance his Department provides to local food chains. [296302]

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): We provide a range of assistance to local food chains, including helping regional and local food producers to overcome various barriers to market. We have funded meet-the-buyer events for both retailers and the food service sector. We also support farmers markets and farm shops, and encourage the use of food hubs and shared distribution facilities.

Mr. Drew: I thank the Minister for that answer. It is common for people to mouth support for local food chains, but in the past year, two box schemes that I belonged to finished prematurely, which is very disappointing. There is clearly a problem in this day and age. I wonder whether the Government ought to do more, and certainly whether they ought to encourage local authorities to do more.

Jim Fitzpatrick: I am sure that we would want to do more. Only last week I had a useful meeting with representatives from the National Farmers Retail and Markets Association to discuss a range of issues relating to farmers and markets and farm shops. I commend my hon. Friend on the excellent local food initiatives in his constituency. Only last week, officials from the food policy unit in the Department for Environment, Food and Rural Affairs visited Gloucestershire to find out more about a wide range of food-oriented activities that are taking place in the county. I am sure that we will be able to use the information and disseminate it to local authorities to improve the situation even further.

Mr. Desmond Swayne (New Forest, West) (Con): Did the Minister hear the piece on "Farming Today" this morning on what is likely to happen to food prices over the next 20 years? I will not try your patience, Mr. Speaker, so may I just ask the Minister whether he will add his voice to mine in seeking a full day's debate on agriculture from the Leader of the House?

Jim Fitzpatrick: I remember fondly my first week as Minister of State with responsibility for farming, from 9 June, when I believe that we had two debates in the House on agriculture. We would welcome more debates on agriculture. I suggest the hon. Gentleman applies to your good offices, Mr. Speaker, for that very opportunity. We would be delighted to meet him across the Dispatch Box.

Albert Owen (Ynys Môn) (Lab): As we celebrate British food week, may I tell the House that I recently visited the Anglesey oyster fair in my constituency, where I saw the very best of British food? One issue that local producers raised with me was the barrier to getting into local supermarkets. Is it not about time that we had a proper champion—an ombudsman—to redress the balance in favour of the British consumer and the British producer and away from the supermarket?

Jim Fitzpatrick: I think my hon. Friend has managed to merge three questions into one: the retail sector supporting local produce, barriers to local producers getting into supermarkets and the ombudsman. I can assure him that on the ombudsman, the Government are considering the Competition Commission's recommendations. I can also assure him that we are doing what we can to ensure that local producers can get into supermarkets.

Farmers (Suicides)

4. **Jane Kennedy** (Liverpool, Wavertree) (Lab): What representations he has received on the number of suicides amongst farmers whose cattle herds are subject to bovine tuberculosis movement and testing restrictions; and if he will make a statement. [296303]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I have not received any particular representations about this, but earlier this year the Farming Crisis Network produced its sobering report on the impact of bovine TB on farming families. This showed, as we all know, that for those most seriously affected, the economic and particularly the human consequences of bovine TB are devastating. The TB eradication group for England has since met with the executive director of the FCN to discuss how TB-affected farm businesses could be better supported.

Jane Kennedy: I am grateful to my right hon. Friend for that answer. Will he consider the recommendations in the detail of the report, alongside the good work that the Department is doing on cattle movements and testing regimes? In particular, will he look at the impact on farmers whose herds are subject to testing every 60 days? That happens in some cases, and it is a devastating regime for the farm and the family.

Hilary Benn: I know that my right hon. Friend took a great deal of interest in the matter and I pay tribute to her work on it. The TB eradication group that we have now established is both looking at what can be done to help farmers to try to cope with the disease and getting on with doing effective things to try to tackle it. I have approved all the recommendations that the TB eradication group produced recently. The House will be aware that our TB eradication plan has now been approved by the European Union and funding has been given to us to help implement it.

Mr. Roger Williams (Brecon and Radnorshire) (LD): When does the Secretary of State expect the TB eradication group to report back with its final recommendations, and will those recommendations be acted on?

Hilary Benn: It is a matter for the TB eradication group to report as it sees fit. Its first report, as I just indicated, has been received, and I accepted all its recommendations. The fact that we are working in partnership now to try to deal with this devastating disease is a big step forward compared with where we were before.

Mr. Williams: I thank the Secretary of State for that, but has he received any as yet unpublished reports that would help the TB eradication group develop better policies that would assist in reducing the levels of TB in cattle and in badgers? If there are any unpublished reports, can he make them available to the House?

Hilary Benn: I do not know to which unpublished reports the hon. Gentleman refers. If he is talking about scientific research, that has to go through a peer review process and be published. One of the things that the eradication group is doing is keeping a close eye on unfolding scientific information—that is part of its remit and it referred to that in the report that was recently put out.

Mr. James Paice (South-East Cambridgeshire) (Con): I wish to pursue the same line of questioning. Has the Secretary of State yet seen and read the report, which I am told is now available, by vets on the continued studies of the incidence of TB after proactive culling has ended in the trial areas? Will he publish it soon, and then we will all know that the incidence has continued to decline since the culling of badgers stopped?

Hilary Benn: The publication of that research information is a matter for the journals who publish these things, and it has to be in a form suitable for publication. As soon as it is publicly available, I will ensure that it is placed in the Library so that we may all see what it has to say.

Common Agricultural Policy

5. **Mr. Michael Moore** (Berwickshire, Roxburgh and Selkirk) (LD): What recent discussions his Department has had with the European Commission on reform of the common agricultural policy. [296304]

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): The Department for Environment, Food and Rural Affairs has ongoing discussions on reform of the common agricultural policy with the Commission both formally and informally, including at regular meetings of the Agriculture Council, the last of which I attended on 19 October. The next phase of negotiations will begin informally next year with the new Agriculture Commissioner.

Mr. Moore: Previously the Secretary of State has acknowledged the difficulties facing hill farmers in my constituency and elsewhere in the UK, which have not been eased by the implementation of sheep identification tags. Those farmers are deeply alarmed by the DEFRA vision for the future of agriculture. In the context of the recent Calman commission recommendations that Scottish and other devolved Administrations should have a serious input into UK policy making, will he give a pledge that Scottish concerns will be heard before a final British position is taken on CAP reform?

Jim Fitzpatrick: I can certainly give that assurance. We would in no way move forward without consulting all the relevant authorities and organisations. We clearly have our own priorities and negotiating position, which will be mapped out in due course, and they would not ignore such an important sector as the hon. Gentleman mentions.

Paddy Tipping (Sherwood) (Lab): Will the Minister continue to press for a switch in the CAP from a subsidy for production to measures that benefit the countryside, such as investment in jobs and industry, an enhanced environment and greater access? These are public goods and public money, and we ought to be pursuing them.

Jim Fitzpatrick: My hon. Friend makes an important point. We certainly wish to foster an internationally competitive industry without reliance on subsidy or protection. The Government believe that CAP expenditure under pillar two offers better value for money than pillar one because it rewards farmers for the delivery of public benefits, especially environmental outcomes, as he outlines.

Nick Herbert (Arundel and South Downs) (Con): The Commission's draft reformed CAP is reported to include a third pillar on climate change. Farming must play its part in reducing carbon emissions, but does the Minister agree that Lord Stern's call for people to give up eating meat was totally irresponsible and damaging to our livestock industry?

Jim Fitzpatrick: It is certainly my belief that that is not quite what Lord Stern said. He made a comment that was lifted out and exaggerated. We certainly believe in a balanced diet, and there are many ways in which emissions of greenhouse gases can be tackled. That is not the position of the Government or the Department, and we will negotiate with the Commission to ensure that its position is as close to ours as possible.

Nick Herbert: Lord Stern said—and I quote directly from his interview:

"Meat is...wasteful... A vegetarian diet is better."

Britain's livestock producers are listening carefully to the Government's answer. Does the Minister agree with those comments or not?

Jim Fitzpatrick: It is for individual citizens and consumers to decide what they eat, and we support that. We also support the British agricultural industry and our meat producers. Sir Nicholas Stern's comments must be looked at from the perspective of the whole piece that he wrote, not just one quote or sentence.

Bovine Tuberculosis

6. **Ann Winterton** (Congleton) (Con): What recent steps his Department has taken to reduce the incidence of bovine tuberculosis. [296305]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): Since November 2008, the Department for Environment, Food and Rural Affairs has worked alongside the farming industry and veterinary profession as part of the bovine TB eradication group for England. On 8 October, the group published a progress report including a number of recommendations now being implemented. We are pursuing the future use of vaccination through vaccine research and development of a badger vaccine deployment project, alongside our current control measures.

Ann Winterton: Far too many good dairy cows have been put down in my constituency of Congleton in Cheshire and elsewhere. While I welcome the progress made by the bovine TB eradication group, will the Secretary of State accept that veterinary surgeons who are members of the British Veterinary Association and the British Cattle Veterinary Association believe that he should reassess his criteria for targeting and culling badgers in certain circumstances?

Hilary Benn: I am well aware that, as the hon. Lady points out, others take a view different from the judgment that I formed and reported to the House last year. For me, the overwhelming requirement has been to take action that will be effective in dealing with the disease. As I indicated earlier, I understand completely, having talked to many, many farmers, how devastating the disease is, but we have to do things that will work in the circumstances. I had to have regard to the scientific advice given to me on the basis of having tried culling.

Mr. Michael Jack (Fylde) (Con): Has the Secretary of State come to a conclusion about what he will do when the injectable vaccine is trialled and diseased animals are found? Will they be euthanased?

Hilary Benn: As I have indicated to the right hon. Gentleman previously, there is no simple cage-side test that can be used—*[Interruption.]* With respect, no test is reliable enough to indicate whether a badger is infected with tuberculosis. However, as I also said to him previously, if someone is of the view that an animal is in such distress that it would be a kindness to put it down, the law provides for that. However, that person would have to be satisfied that the animal was in such a condition.

Light Pollution

7. **Lembit Öpik** (Montgomeryshire) (LD): What recent representations he has received on regulation of light pollution; and if he will make a statement. [296306]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dan Norris): DEFRA has received two recent representations, one about current legislation to tackle light nuisance, the other about future proposals to address light pollution.

Lembit Öpik: Despite responding positively to the Science and Technology Committee's 2003 report, the Minister's Department and the Department of Communities and Local Government have yet to provide a draft annexe to planning policy statement 23 to make local planning authorities take light pollution as seriously as other types of pollution. When will guidance be published so that all local authorities can ensure that light pollution is prevented or minimised?

Dan Norris: I thank the hon. Gentleman for his question. DEFRA is no longer involved in the light pollution aspect of the DCLG's PPS23. The DCLG is now the lead Department on that, and that work is on hold pending its decisions on planning policy reform. However, I am in regular contact with my ministerial colleagues in DCLG on issues such as rural housing, and will raise the matter with them when I next have the opportunity, which I anticipate being next week, and I will ensure that the annexe about which he is concerned is published as soon as possible.

Mr. Brian Jenkins (Tamworth) (Lab): I recognise that the Minister might be the wrong person to ask, given that this matter is no longer his responsibility, but has any model or trial ever been produced with regard to highway or local authority lighting on which we can call?

Dan Norris: As I mentioned, we are not the lead Department on this matter. However, I shall take my hon. Friend's point away with me and ensure that it is raised with the respective Minister next week.

Mr. Peter Atkinson (Hexham) (Con): When the Minister meets his colleagues in the Department for Children, Schools and Families, will he remind them of a report produced by the then Department of the Environment called "Lighting in the Countryside: Towards Good

Practice"? That was published 12 years ago and highlighted the danger of poorly planned lighting schemes in rural communities and market towns. Since then, very little has happened. As an MP who represents a constituency that contains some of the darkest areas in England, the matter is hugely important to me and my constituents.

Dan Norris: I give an absolute assurance that I will do that.

Mr. David Chaytor (Bury, North) (Lab): One of the difficulties is the close relationship between quality of street lighting and levels of crime, which the Conservative council in Bury recently discovered to its cost when it planned to switch off the street lights in the middle of the night. When my hon. Friend speaks to his colleagues in the Department for Children, Schools and Families, will he ask them to look at the experiment currently taking place in Toulouse in south-west France with motion-sensitive street lights? Might that not be a model for the United Kingdom to follow?

Dan Norris: I certainly agree with my hon. Friend that safety has to be taken seriously when considering switching off any lighting. However, that does not mean that lights should not be switched off in some situations. I am interested in the Toulouse experience, and I am sure that technology will provide the answer to those challenges in the future.

Robert Key (Salisbury) (Con): When the Select Committee on Science and Technology, of which I was a member, recommended in 2003 that light pollution be covered by statutory provisions in legislation, the Government agreed. However, local authorities, which regard light pollution as seriously as water or air pollution, can do nothing until the Government, through whichever Department, produce their planning policy statement. When will that happen?

Dan Norris: I hope that it happens soon; indeed, that is my understanding. However, I say to the hon. Gentleman strongly that the issue is about safety as well as saving the environment, and there is no easy answer to that. Councils that have considered the issue seriously have often pulled out. I hope that he will recognise that there are many shades of grey in this complex issue. We need to get it right and allow local authorities to do the same.

International Whaling Commission

8. **Mr. Jim Cunningham** (Coventry, South) (Lab): What his most recent assessment is of progress made by the small working group on the future of the International Whaling Commission. [296307]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): At the IWC's 2009 annual meeting, which I attended, it was agreed that the small working group would continue work on the future of the IWC for another year. The support group, of which the UK is not a member, appointed to assist the small working group was unable to complete discussions on possible reform packages in October, but we hope to complete discussions before the small working group in March next year.

Mr. Cunningham: I thank my hon. Friend for that answer. Has he had any discussions with the new Japanese Government regarding the Japanese attitude towards whales?

Huw Irranca-Davies: On 20 October, British officials met the Japanese Government and expressed continued concern about Japanese dolphin hunts, among other things. I wrote personally to the Japanese Fisheries Minister last week on a range of issues, including whaling, and expressed the British public's concern about the hunting of dolphins, urging Japan to prohibit the killing and capture of dolphins and other small cetaceans. We also welcome the reports that Taiji in Japan, which is at the centre of "The Cove"—the file and the film—is trialling a no-kill bottlenose dolphin policy.

UK Fishing Industry

9. **John Robertson** (Glasgow, North-West) (Lab): What steps he plans to take in negotiations in the Council of Ministers to safeguard the interests of the UK fishing industry; and if he will make a statement. [296308]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): My approach to the current negotiations will reflect agreements reached with ministerial colleagues in Scotland, Wales and Northern Ireland, and with the UK industry and other key stakeholders on a balance of appropriate priorities. Those will seek to ensure the long-term sustainability of the stocks in question, while maintaining the future viability of the UK fleet.

John Robertson: I thank my hon. Friend for his answer, but I am sure that he will agree that haggling into the early hours of the morning at the December Council is not desirable. What will he do to ensure that the common fisheries policy is changed to the benefit of Scottish fishermen and UK fishermen as a whole?

Huw Irranca-Davies: My hon. Friend raises a vital point. We need to get away from this haggling until three in the morning in late December. We need to change the CFP, as we made clear in the May and June Councils, where we led from the front. We need to reform the CFP on the basis of good, long-term science, sustainable fish stocks, regionalisation and the long-term viability of all parts of the UK fleet, and away from micro-management, bringing the marine environment and fisheries together. I am pleased to say that we in this Labour Government are right at the forefront of driving that radical change.

Bill Wiggin (Leominster) (Con): Is the Minister aware of how disconnected inshore fishermen feel from discussions with his Department? Now that he is, what does he intend to do about putting that right?

Huw Irranca-Davies: I would counter that. I am aware of a perception in certain parts of the fleet and in certain harbours, where it is widely reported that there is a perception of being disconnected. The reality is that we have set up the sustainable access to inshore fisheries—SAIF—project, and we have a ministerial quadrilateral group on quota reform, in which we are engaged and reaching out to others. In all aspects of our work—including

CFP reform, the recent launch of which by the Secretary of State was attended by under-10 metre and over-10 metre producer organisations—we will always reach out to the under-10 metre sector. It is a vital part of our communities and our economy.

Mr. Nigel Dodds (Belfast, North) (DUP): The fishing industry in Northern Ireland is almost wholly reliant on prawn, and there is a proposal for a 30 per cent. cut in prawn fishing. Coming on top of further cuts in days at sea and cod quotas, that will have a devastating effect on the Northern Ireland fishing industry, which is already in a perilous state. Can the Minister assure us that he will take on board the very difficult situation in Northern Ireland in his discussions in Brussels?

Huw Irranca-Davies: Yes, I can indeed. I give the hon. Gentleman a categorical assurance that we are continuing to have close discussions with Northern Ireland stakeholders, Ministers and colleagues. Northern Ireland Ministers play a vital part in our negotiating team as well. I was also pleased recently to meet skippers in Portavogie. I can assure the hon. Gentleman that, as we determine the package of UK priorities, Northern Ireland will feature strongly in it.

Dairy Industry

10. **Sir Nicholas Winterton** (Macclesfield) (Con): What recent assessment he has made of the economic prospects of the milk and dairy industry. [296309]

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): We closely monitor the economic prospects of the sector, with an extensive review made on a six-monthly basis. I am also chairing the twice-yearly meeting of the Dairy Supply Chain Forum on 1 December. The forum regularly brings together all the key players in the dairy sector and has been doing so for several years.

Sir Nicholas Winterton: The Minister will know that the UK dairy industry accounts for around 18 per cent. of UK agricultural production by value, is the single largest agricultural sector and is worth £3.5 billion. It is essential to this country, and to my constituency. What assessment has he made of the European Union's proposal to set up a fund for dairy producers, aimed at assisting farmers under pressure from unacceptably low and unfair prices?

Jim Fitzpatrick: Only last week at the Agriculture Council, we raised our serious concerns about the fund that has been set up, which I am sure would meet the hon. Gentleman's concerns as well. We have been asking questions, and I also gave evidence on this item yesterday to the Environment, Food and Rural Affairs Select Committee, chaired by the right hon. Member for Fylde (Mr. Jack). It is not clear how the €280 million is going to be separated and broken down, or what the criteria are for claiming it. We have concerns about that and we are monitoring the situation closely at ministerial and official level.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Why does the Minister think that bottles of mineral water sell for more than bottles of milk?

Jim Fitzpatrick: I suspect that it is because the retailers think that people will buy it.

Mr. Mike Weir (Angus) (SNP): One of the problems with milk is that the supermarkets often sell it below cost price, which puts huge pressure on the producers. Will the Minister press his colleagues at the Department for Business, Innovation and Skills to look into this as part of the remit of an ombudsman, if they come forward with such a proposal?

Jim Fitzpatrick: The Dairy Supply Chain Forum regularly looks at these issues, providing an opportunity for all sides of the dairy sector to come together. These matters are discussed there. The Competition Commission's recommendations are being discussed between Government Departments, and I know that this is a key aspect of those discussions. We will be announcing our conclusions in due course.

Bees (Pesticides)

11. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent representations he has received on the effect of pesticides on bees and other pollinators; and if he will make a statement. [296310]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dan Norris): My Department has received a number of representations from Members of Parliament and members of the public concerned about the effect of pesticides on bees and other pollinators.

David Taylor: An American scientific report on Syngenta's neonicotinoid pesticide, thiamexotham, shows that it is deadly to honey bees. Does the Minister think that the Warwick university research into bee and pollinator morbidity, which is being funded by Syngenta, will have sufficiently wide terms of reference to assess any links that exist between neonicotinoids and the collapse of UK bee colonies?

Dan Norris: The Government take the health of Britain's bees very seriously and have pumped an extra £4.3 million into bee health. There is no evidence that authorised pesticides pose an unacceptable risk. However, I understand why my hon. Friend asks his question: where somebody is paying, one questions whether the research will be reflective of scientific rigour or not. We will, of course, consider all the research, including that commissioned by pesticide companies, into this important issue, but we will also ensure that the highest possible standards are maintained. I would also quickly say—

Mr. Speaker: Order. I think that we have probably got the gist of the Minister's answer, for which we are grateful. May I gently say to him that he must address the House and try to look in the direction of the Chair?

Christopher Fraser (South-West Norfolk) (Con): Given the international aspects and origin of some of the diseases that affect our bees, how much contact has the Department for Environment, Food and Rural Affairs or the National Bee Unit had with our counterparts abroad?

Dan Norris: We are in constant liaison and discussions with a whole range of people on the serious issue of bee health. It appears that there is no one cause, so we are looking very carefully at all the possible explanations, which obviously means that we need clear communications with a range of people here and abroad.

Farm-gate Milk Prices

12. **Natascha Engel** (North-East Derbyshire) (Lab): What recent discussions he has had with dairy farmers on farm-gate prices for milk. [296311]

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): I have regular discussions with the National Farmers Union, as well as dairy farmers, about this and a range of other issues. I found that the dairy and livestock show in September provided me with a good opportunity to meet dairy farmers and hear first hand about the challenges they are facing.

Natascha Engel: I thank my hon. Friend for that answer, but I would like to press him a little on the European emergency milk fund, which was mentioned earlier. If the problems that were mentioned are ironed out, would he in principle do something to support dairy farmers here, who are really struggling to survive?

Jim Fitzpatrick: Once the arrangements for the distribution of the €280 million are worked out, we would obviously want to ensure that our dairy farmers are not disadvantaged by the price and the cost of supporting farmers on the continent.

Mr. Graham Stuart (Beverley and Holderness) (Con): The British herd of dairy cows is down by more than a fifth since 1997, and the number of dairy farms has halved since 2000. Will the Minister explain why dairy farmers should believe that this Government remain committed to UK production?

Jim Fitzpatrick: By virtue, I hope, of our performance and, in particular, of our negotiating stance in Europe, which is about defending the British dairy industry; and by virtue of the contact and connections, and the support and advice that we give, here in the UK. The Dairy Supply Chain Forum, which I chair, is another indication that we are doing what we can to support our industry. Our industry has innovated and it is rationalised; it is in a better position than that of our European counterparts. We hope that it goes from strength to strength, and we will do all we can to support that.

British Waterways

13. **Joan Walley** (Stoke-on-Trent, North) (Lab): What recent representations he has received on the activities of British Waterways in the Stoke-on-Trent area. [296312]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): No recent representations have been received on the activities of British Waterways in the Stoke-on-Trent area. However, I understand that British Waterways, the local regional development agency and other partners are working together on a variety of projects in the area, reflecting the importance of partnership in working to achieve our shared goals of getting the best from our waterways.

Joan Walley: In anticipation of the representations that the Minister will receive from the Burslem port project, may I welcome the investment in canals? However, will he give his active support in that partnership working to the plans to bring the arm of the Trent and Mersey canal back into use at Burslem port? We want to see the volunteer scheme, which is about to clear the site, matched by a firm commitment from British Waterways to find a way of getting a realistic and feasible business package for it.

Huw Irranca-Davies: I am very happy to pay tribute to my hon. Friend's sterling role in advocating the canals that are so important to her area. In fact, I would be more than happy to meet her to discuss the issue further. Ultimately, it is a question of British Waterways and its partners getting on with the business on the ground, identifying the priorities and driving them forward. I would welcome the opportunity to discuss this further with my hon. Friend.

Michael Fabricant (Lichfield) (Con): Is the Minister aware that studies have shown that the existence of canals can increase economic activity by some 300 per cent. in the areas they serve? What help can he give to the Litchfield and Hatherton canal restoration trust, which will provide the much-needed link between canals in the east and the centre parts of the west midlands?

Huw Irranca-Davies: The hon. Gentleman has raised a valid point. Through our work with British Waterways, the Broads Authority, the inlands waterways authorities and others we have made it clear that we recognise the wider public benefits of canals, not just in terms of recreational boating but, for instance, of health, education and awareness of nature. Again, I do not want to interfere in individual projects—it is important for them to take place on the ground—but I am always happy to meet Members who feel passionate about their own areas.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Does the Minister share my concern about the fact that Rudyard Sailability and its centre of excellence for disabled sailors at Rudyard lake is still being blocked from building the boat store that is essential to its survival, despite its victory in a public inquiry nine months ago? Will he urge British Waterways, which owns Rudyard lake, to promote talks to save a vital charity that transforms the lives of so many people and their families?

Huw Irranca-Davies: I am grateful for the work that my hon. Friend does as a trustee of RYA Sailability, and we have corresponded on the issue she has raised. The organisation does sterling work in encouraging people of all abilities to participate in sailing activities. I understand that the matter is currently being discussed by the parties involved, and I hope that it will be resolved speedily. I gather that a local British Waterways manager is still helping to broker a solution and will keep my hon. Friend fully informed of the state of the negotiations, but I am happy to discuss the matter further with her.

Flood Defences

14. **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): What resources are planned to be made available for the provision of flood defences in (a) west Oxford and (b) Abingdon. [296314]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): As well as continuing its annual programme of maintenance for the main rivers in Oxford, West and Abingdon to manage flood risk, the Environment Agency is nearing the completion of a £1.8 million programme of short-term measures for Oxford, and is developing the long-term Oxford flood risk management strategy, which is currently out for consultation. A study on the River Stert in Abingdon is also taking place to identify options to alleviate flooding.

Dr. Harris: As the Secretary of State will know, both west Oxford and Abingdon were badly affected. My constituents appreciated his visit during the floods, and I recognise the work that has been done, but will he agree to meet members of the flood action group and me, with the Environment Agency, so that those people can be reassured that progress will be made before the next flood—which will happen?

Hilary Benn: I should be very happy to meet the hon. Gentleman and his group.

Topical Questions

T1. [296325] **Paul Rowen** (Rochdale) (LD): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I wish to inform the House that following routine inventory checks earlier this year, 38 Rural Payments Agency data back-up tapes and one compact disc were unaccounted for. Thirty-five have now been accounted for. Of the rest, one tape and the CD did not contain personal protected data, but the two remaining tapes potentially contained partial data in code. However, tapes of this sort can only be read with specialist equipment and detailed technical knowledge. Furthermore, one of the two tapes was known to be faulty and had been reported as such, since it could not be read.

I want to reassure farmers that there is no evidence that the tapes are in the public domain, that a forensic investigation was carried out in accordance with Cabinet Office guidelines, and that officials concluded that there was only a low risk that any usable personal data had been lost. I will arrange for further information, including a copy of the investigation report, to be placed in the Library of the House.

Paul Rowen: At the Labour party conference, the Government announced that exemptions from the so-called rain tax would be introduced. Can the Minister confirm that they will involve all charities, and can he tell us when he expects them to be introduced?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): I am pleased to be able to update the hon. Gentleman on discussions that we had as recently as the week before last, following the announcement made at the Labour party conference. There has been a very good response. We will introduce a concessionary scheme, subject to legislative opportunities and also to guidance. I think it important for us to get the details right, so that the right organisations benefit from the scheme. It will not be a simple top-down approach; we will be asking people for their thoughts as well.

T4. [296328] **Jane Kennedy** (Liverpool, Wavertree) (Lab): May I ask my hon. Friend the Minister to reinforce what he said in the earlier part of Question Time by gently saying to Lord Stern that, during British sausage week, we celebrate a varied diet and the value that it brings; that it should be a question of "all things in moderation"; and that if it is being suggested that vegetarianism will save the world, I am not sure that it is a world in which I want to live?

Hon. Members: Hear, hear.

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): I am happy to accept the prompts of my right hon. Friend and to ensure that we communicate her comments and our view—which is clearly the view of the House—to Sir Nicholas Stern.

One of the things that I ought to have mentioned earlier is that dealing with the waste of 30 to 40 per cent. of all the food that we buy from supermarkets is a far more crucial way of dealing with the problem of emissions. We should be focusing on that.

Nick Herbert (Arundel and South Downs) (Con): The reason why the Secretary of State has suddenly announced another data loss by the Government is that *Farmers Weekly* obtained the information and will report it tomorrow. If the loss was discovered earlier this year and an investigation done, as the Secretary of State said, why have the public not been told until now? This looks like a cover-up. Will he accept responsibility for another foul-up by the Rural Payments Agency, which has already cost taxpayers £70 million in EU fines because of its bungling?

Hilary Benn: I of course accept responsibility. I was informed yesterday and I thought it important to take the first possible opportunity to inform the House, which is what I have done this morning. In accordance with Cabinet Office guidelines, a full investigation was done. As the data were in code that cannot be read, as I have indicated, a judgment was made in accordance with Cabinet Office guidelines that Ministers need not be informed. I wanted to reassure farmers today that the risk of this information getting out is very low, for the reason I have explained to the House at the first available opportunity.

Dr. Brian Iddon (Bolton, South-East) (Lab): The announcement about what the Scout Association called the rain tax was very welcome, especially in the north-west. However, in applying discretionary relief, will my hon. Friend take note of the plight of all political clubs? If the scheme is applied to such clubs, as originally intended, it might result in further closures. I do, of course, declare an interest in this question.

Huw Irranca-Davies: First, I cannot guarantee anything at this moment. The Government are committed to bringing forward proposals on a discretionary scheme at the first available legislative opportunity, and that has been widely welcomed. I would not want to go into detail but I am glad that we have support for this right across the House. We will need to go into detail about who is and is not included, but it is important to acknowledge that this is a cost-neutral issue and, as such, the cost must fall on someone, somewhere—whether that is businesses, individual households or others.

T2. [296326] **Mr. Michael Jack** (Fylde) (Con): Pursuant to the Secretary of State's opening comments, the National Audit Office has issued a second damning report into the Rural Payments Agency, which it said had scant regard for protecting public money and had too high a cost base. When will someone at ministerial and senior official level take responsibility for this shambolic organisation, get to grips with it and publish a report about what its future holds?

Hilary Benn: I take responsibility; that is my job. As the right hon. Gentleman will know, the history of the RPA is not a happy one. Since I took up this position, the one thing I have made clear to the Department and to the RPA is that the agency must maintain the improvement it has achieved—we should acknowledge that—in getting payments to farmers more speedily, given the unhappy past. I am not prepared to do anything that gets in the way of doing that, because what farmers want is to get the payments as quickly as possible. There have been previous occasions on which the House has invited me to do things in relation to the RPA, but I am not prepared to put in jeopardy that progress from what was a mess.

Paul Flynn (Newport, West) (Lab): Should there not be a virement of farm subsidies from farmers whose income has increased to those whose income has not, especially as the income of grain farmers doubled between 2006 and 2008?

Hilary Benn: There is no mechanism I can think of that would enable that to take place. Different parts of the farming industry are in different positions, and the latest information on farm business income will be published shortly.

T3. [296327] **Mr. Laurence Robertson** (Tewkesbury) (Con): A constituent of mine is a breeder of alpacas. Have the Government looked into the spreading of bovine TB to alpacas? Is there an appropriate test to ascertain whether that is happening and, if so, is there an appropriate compensation scheme?

Jim Fitzpatrick: The question of alpacas and TB is investigated by the Department. There are arrangements and tests in place, and I am happy to write in detail to the hon. Gentleman about the procedures.

David Taylor (North-West Leicestershire) (Lab/Co-op): Has the Secretary of State seen the League Against Cruel Sports large-scale survey indicating that 62 per cent. of Conservative voters, 77 per cent. of Liberal Democrat voters and 83 per cent. of Labour voters strongly support the existing legislative ban on hunting with dogs? Does he intend to review the legislation in light of the survey?

Hilary Benn: I have indeed seen the information to which my hon. Friend refers, and it shows where public sentiment and opinion lie. In the light of that, I find it very hard to understand why Opposition Members want to change the law so that foxes can once again be ripped to pieces by hounds, because that is the change in the law they appear to be seeking.

T6. [296330] **Mr. John Baron** (Billericay) (Con): May I press the Secretary of State on the Rural Payments Agency? He will know that it has taken far too long to resolve a number of late payments under the single payment scheme. Many farmers throughout the country are suffering as a result, including my constituent Mr. Peter Philpot. I urge the Secretary of State to press forward with the reforms and get these payments sorted out now, for the sake not only of my constituent but of farmers throughout the country.

Hilary Benn: I would be very happy if the hon. Gentleman gave me the details of his constituent, in order to pursue that case. It is precisely for this reason that we announced in September a review of the RPA, so we can learn the lessons and improve the service to the level that farmers have a right to expect.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Could the Secretary of State give the House an update on the implementation of the ban on hunting with dogs, and particularly on the impact on rural employment?

Hilary Benn: I am not aware of a study having been done on that. We should be aware, however, that when the ban was voted on a lot of predictions were made about the consequences that would flow, but they have not flowed, which is why I do not agree with those who say the legislation is flawed. The onus is on those who want to revisit it to explain why they want to return to a practice that most people do not approve of, as is shown by the evidence that my hon. Friend the Member for North-West Leicestershire (David Taylor) has just drawn to the House's attention.

T7. [296331] **David Tredinnick** (Bosworth) (Con): I want to know about the impact of swine flu on farmers in my community. Does the Secretary of State have any evidence that there has been a disproportionate impact on those who work on the land?

Hilary Benn: I am not aware of there having been such a disproportionate impact, but if there is any available information on that I shall find it and write to the hon. Gentleman.

Paddy Tipping (Sherwood) (Lab): Sixty years have passed since the introduction of national parks by a Labour Government. What more is the Secretary of State going to do to promote access to the countryside?

Huw Irranca-Davies: Indeed, and in this 60th year it is right that we look to the future of the national parks. That is why we are working very hard with the national parks authorities and other agencies to look forward and shape a vision for the future. I suspect that that vision will be concerned with access, sustainable ways of

living, living and breathing communities and climate change. The national parks have a critical role to play in the future of this country, and re-imagining what the next 60 years will be like is part of the current review.

T8. [296332] **Ann Winterton** (Congleton) (Con): Is the Minister aware of the risk, if changes are made to the United Kingdom pet travel scheme—it might be extended in 2011—of introducing from the European Union to the United Kingdom a parasite called echinococcosis? An EU-wide risk assessment, followed by a prevention, reduction and control strategy, should be introduced before risking both animal and human health in the United Kingdom.

Jim Fitzpatrick: The hon. Lady rightly raises this concern about any reduction in the protection and safeguards against infection from other countries. That is uppermost in the Government's mind. As she has outlined, we are in discussions with the Commission about extending our derogation for an extra 12 months, and these matters are under very close scrutiny.

T9. [296333] **Mr. Colin Breed** (South-East Cornwall) (LD): The Secretary of State will be aware that the new grocery suppliers code will cover the relationships between suppliers and the supermarkets and first-tier suppliers. What conversations has he had with his counterparts in the Department for Business, Innovation and Skills to ensure that the ombudsman's remit and the code can be extended so that farmers will not be subjected to excessive cost and risk?

Jim Fitzpatrick: As I outlined in one of my earlier answers, the Department convenes a number of forums to allow farmers to engage directly with DEFRA and others to discuss these very issues. As I have also said, the Government are considering the question of the ombudsman, and discussions between Departments should reach a conclusion shortly.

T10. [296334] **Mr. Andrew Robathan** (Blaby) (Con): As a farmer, I have dealings with the Rural Payments Agency, and I am well aware of its difficulties. May I take the Secretary of State back to the loss of data? He has honourably and quite properly accepted responsibility, yet he was not told about this matter—my right hon. Friend the Member for Fylde (Mr. Jack) was told two days ago. What is the Secretary of State going to do to ensure that he is told about things for which he is responsible, given the seriousness of this matter?

Hilary Benn: Any potential loss of data is of course a very serious matter, which is why I wished to report to the House at the very earliest opportunity. As I have indicated, I will provide further information, including a copy of the report on the investigation that took place. I hope that that will offer some reassurance, because I say to the House—I do take this seriously—that when one looks at the form in which the data would be seen by someone who does not have technical knowledge and special equipment, one finds that they would be unreadable. That is why it is important to take this opportunity to reassure farmers about the steps we have taken and the low risk of any data getting out.

Greg Mulholland (Leeds, North-West) (LD): Is the Secretary of State aware of the Campaign to Protect Rural England's "Mapping local food webs" project, which is operating in about 20 locations, including Otley, and is linking local producers, shops and markets? As his constituency is nearby, will he visit those local producers, shops and markets in Otley to see this fantastic scheme working?

Hilary Benn: I am always happy to receive an invitation from the hon. Gentleman, who is my constituency neighbour. This is an excellent project, because we need to link people to opportunities to grow their own food and to supply it to others locally—it is good for our health and good for the climate.

Mike Penning (Hemel Hempstead) (Con): Is the Secretary of State aware that, four years after the Buncefield explosions in my constituency, the environment and agriculture around the site remain heavily contaminated, particularly with perfluorooctane sulfonate—PFOS? Will he meet me and a delegation of my constituents to discuss their concerns about PFOS contamination?

Jim Fitzpatrick: I remember when the events at Buncefield happened. The hon. Gentleman and I had a number of meetings about tackling the fire, as we are both ex-firemen and I was the Minister with responsibility for dealing with fire. As Minister of State in DEFRA, I will be very happy to meet him and whomever he wishes to bring with him to discuss this important issue.

Business of the House

11.32 am

Sir George Young (North-West Hampshire) (Con): May I ask the Leader of the House to give us the business for next week?

The Leader of the House of Commons (Ms Harriet Harman): The business for the week commencing 2 November will be:

MONDAY 2 NOVEMBER—Remaining stages of the Perpetuities and Accumulations Bill [*Lords*], followed by a general debate on tackling antisocial behaviour.

TUESDAY 3 NOVEMBER—Consideration in Committee of the Constitutional Reform and Governance Bill (day 1).

WEDNESDAY 4 NOVEMBER—Further consideration in Committee of the Constitutional Reform and Governance Bill (day 2).

THURSDAY 5 NOVEMBER—General debate on climate change: preparation for the climate change conference at Copenhagen.

The provisional business for the week commencing 9 November will include:

MONDAY 9 NOVEMBER—Consideration of Lords amendments to the Coroners and Justice Bill, followed by, if necessary, consideration of Lords amendments.

TUESDAY 10 NOVEMBER—If necessary, consideration of Lords amendments, followed by consideration of Lords amendments to the Welfare Reform Bill, followed by consideration of Lords amendments to the Health Bill [*Lords*], followed by, if necessary, consideration of Lords amendments.

WEDNESDAY 11 NOVEMBER—Consideration of Lords amendments to the Apprenticeships, Skills, Children and Learning Bill, followed by, if necessary, consideration of Lords amendments.

Colleagues will wish to be reminded that the House will meet at 2.30 pm on that day.

THURSDAY 12 NOVEMBER—Consideration of Lords amendments to the Policing and Crime Bill, followed by, if necessary, consideration of Lords amendments.

The House is expected to prorogue at the end of business on Thursday 12 November.

I should also like to inform the House that the business in Westminster Hall for 12 November will be:

THURSDAY 12 NOVEMBER—A debate on the report from the Health Committee on health inequalities.

Sir George Young: I am grateful to the Leader of the House for next week's business. Will she tell us whether the Prime Minister will be making a statement to the House on Monday after this weekend's meeting of European leaders? Will he be using it to report progress on his preferred candidate for a proposed European president?

On the Kelly report, will she clarify what the Prime Minister suggested yesterday, namely that Sir Christopher's report

"will form the basis of a statement to the House"—[*Official Report*, 28 October 2009; Vol. 498, c. 285.]

next Wednesday? Will she confirm that there will be an oral statement on the Kelly report and will she tell us whether she or the Prime Minister will be making it? It is a matter of great regret that whole sections of the report were leaked to the newspapers yesterday—[HON. MEMBERS: "Hear, hear."] Will she reassure us that when it comes to the real Kelly report, the House will be the first to know and not the last to find out? Will she clarify the confusion caused by the Justice Secretary's statement last June that any recommendations would be

"subject to approval by this House"—[*Official Report*, 29 June 2009; Vol. 495, c. 51.]

and the No. 10 briefing yesterday that MPs would not be given a vote on Kelly?

Last week, the right hon. and learned Lady was unable to give me the date of the spring recess. As if there was not already enough mystery surrounding Easter, the Government are now intensifying it. When can she give us the date of the Easter recess and when can she give us the date of the crucial pre-Budget report?

May we have an urgent update from the business Minister on Royal Mail? We are now in week two of crippling strikes, with small businesses being hit particularly hard, but there is no sign of anyone in the Government showing any leadership. The Prime Minister appears to have given up and the normally ubiquitous Lord Mandelson has disappeared.

May we have a statement from the right hon. and learned Lady on the Government's consistent sidelining of Parliament? Yesterday my hon. Friend the Member for Meriden (Mrs. Spelman) raised on a point of order the fact that the Secretary of State for Communities and Local Government had failed to make a written statement that was directly relevant to the debate that was scheduled for that very afternoon. The week before, the Defence Secretary published 300 pages of the Gray report within two hours of a debate on procurement. As you made clear on both occasions, Mr. Speaker, that was a discourteous way to treat the House. What is the right hon. and learned Lady doing to convey that message to her colleagues?

Next week, my colleagues might wish to pursue the issue that we have just discovered, namely the serious loss of data by the Rural Payments Agency earlier this year, which only became known in the public domain a few moments ago.

Finally, we learned today the disturbing news that an Iranian national working as a political analyst in the British embassy in Tehran has been jailed for patently political purposes. May we have an urgent statement from the Foreign Secretary on what is being done to safeguard employees of British embassies around the world?

Ms Harman: The right hon. Gentleman asked whether the Prime Minister will make a statement following the European Council meeting. It is usual for the Prime Minister to make a statement following major European conferences and summits.

As for Sir Christopher Kelly's report, I, too, deplore the fact that it has been leaked. We have not seen the report and do not yet know what he proposes or the proposed timescale. We recognise that it is not appropriate for this House to set our own allowances—we know that the public do not want us to set or administer our

allowance system. This summer we voted not to do so anymore when we voted to establish the Independent Parliamentary Standards Authority. Future changes to the allowance system following the Kelly report will therefore be carried out by IPSA. The House will have an opportunity to put forward its views when I make an oral statement next Wednesday, but there will not be a vote to decide on our allowances system because the House has already voted that that will no longer be a matter for us to decide. Decisions on allowances will be made by IPSA.

The right hon. Gentleman asked about the date for the pre-Budget report and I will announce it in due course. He mentioned the lack of a written statement and the complaint made by the hon. Member for Meriden (Mrs. Spelman). Nobody thinks that what happened was acceptable, and the Secretary of State has apologised.

On the Gray report, there was an issue about ensuring that that very large report was the subject of an oral statement to the House as quickly as possible. It was a very large report, however, so, rather than delay the statement while colleagues considered the report, the idea was to make the oral statement as quickly as possible. That situation was different from the one raised by the hon. Member for Meriden, which was a mistake and for which an apology has been made.

On the arrest and detention of the British embassy employee in Iran, the Foreign Secretary has deplored the arrest and asked for an appeal to be heard as soon as possible. He regards the situation as totally unacceptable.

Mr. David Heath (Somerton and Frome) (LD): May we have a debate on data handling by the Government? We have just had a mini-statement from the Secretary of State for Environment, Food and Rural Affairs, informing us that material has been lost from the Rural Payments Agency. This is hardly the first time that the Government have lost sensitive material, but meanwhile they continue to collect, by means of the police forces, material that a court has held to be unlawful—in terms of the DNA samples of innocent people. May we have a debate on that issue?

I, too, deplore the fact that Sir Christopher Kelly's report was partially leaked, but a statement on the report will not be sufficient, because a number of Members from all parts of the House will wish to have their say on the issue. I accept that there will not be a definitive vote, because that power has been given to the independent authority, but the House should have the opportunity to debate the issue. Will the Leader of the House therefore arrange for a debate to take place once the report has been published?

May I return the Leader of the House to the vexed issue of the presidency of the European Union Council? There seems to be at least two schools of thought on the president's exact role: whether it will be "chairmanic", to use the apparent term, or traffic-stopping. The House should have the opportunity to debate what the exact role of any such chairman would be, were the Lisbon treaty to be finally ratified in all states, and who might be a suitable candidate. Members from all parts of the House have strong feelings about not only who might be a good candidate for that post, but who might not.

I do not think that the right hon. and learned Lady responded to the question from the right hon. Member for North-West Hampshire (Sir George Young) about how we might be kept updated on the postal strike. May we also be kept updated on the conflict in Afghanistan? We must never forget that we have troops in the field in Afghanistan, and that is a matter of importance to the House.

Finally, I note that, on Thursday 12 November, there is no indication of either a topical or a general debate. May I suggest that, rather than wait around for Prorogation as we normally do, we use the time profitably? May I repeat my request, therefore, that we have a debate on the military covenant? It would be particularly appropriate on 12 November and an opportunity for Members from all parts to raise issues of importance about not just servicemen and ex-servicemen, but their families.

Ms Harman: I did omit to respond to the point about Royal Mail, so let me say that we are obviously very disappointed that yesterday's talks did not reach a resolution that would have averted the strikes; however, the TUC is willing to continue to facilitate talks, and the Government are urging both sides to continue them. We have been in frequent contact with management and the union, and our message to them has been clear: both sides need to work to resolve the differences through dialogue, via ACAS if necessary, so that we can reach a solution.

The hon. Gentleman talked about the loss of data by the Rural Payments Agency, but that was dealt with in oral questions to the Secretary of State for Environment, Food and Rural Affairs, so I do not have anything to add to what my right hon. Friend said. I see no connection at all between that loss and the collection of bio data on the DNA database. Think of all the murders that have been solved through the use of DNA data, all the offenders brought to justice, and all the sexual offenders who went unpunished before DNA evidence was available. I really think that the Liberal Democrats should get off the fence on this. The collection of DNA is a proportionate measure to ensure that offenders do not go unpunished. Any link between that and the RPA is tenuous.

Colleagues will have an opportunity to have their say on our allowances following my oral statement to the House. Again, the hon. Gentleman should make up his mind: does he really think it right that this House should pick over the question of our allowances when we have already decided to make that the responsibility of an independent authority? He cannot be on both sides of the argument; he either wants that decision reached independently, which is what this House has voted for, or he wants it to be picked over again in the House. The public want a transparent, fair arrangement for allowances, and—you know what?—they do not want us to be doing it. I do not think that extended debate, whether followed by a vote or not, helps the situation.

The hon. Gentleman asked about Europe. We are very clear on our position on this. I thought that the Lib Dems, too, felt that it is important that this country is in the mainstream of Europe and that Europe is effective in safeguarding the interests of all European countries in a globalised economy and in terms of the globalised challenge to tackle climate change and the globalised efforts to ensure security. We want to be at the heart of Europe and for Europe to be strong on those issues. Of course, it is in Britain's interests, if, as we hope, the Lisbon treaty is ratified, that a Briton—Tony Blair—should

[Ms Harman]

take up the post. [Hon. Members: "Ah!"] That is what the Prime Minister said yesterday in Prime Minister's questions, in case anybody thinks there is anything novel about that.

The hon. Gentleman asked about Afghanistan. We constantly have at the forefront of our mind the task of our troops, the price that is paid by our troops, and the importance of their work in Afghanistan. Indeed, the Prime Minister referred to that yesterday. We had a defence debate that covered the military covenant a couple of weeks ago. As I reported to the House last week, it is very important that we recognise not only the work that is done by our troops but the support given to them by their families. Part of the military covenant also relates not only to our troops, and to veterans, but to Army, Air Force and Navy wives.

Several hon. Members *rose—*

Mr. Speaker: Order. Twenty-eight Members are seeking to catch my eye. I am keen to accommodate as many as possible, but I am looking, particularly today, for single, short supplementary questions without preamble, and for brief replies.

Natascha Engel (North-East Derbyshire) (Lab): Tomorrow is an historic day when you, Mr. Speaker, will preside over debate on these green Benches by the UK Youth Parliament. Will the Leader of the House grant us a statement or a debate when we can mark this historic occasion and perhaps discuss some of the lessons that we will learn?

Ms Harman: It will be an important occasion. I am looking forward to participating in it myself, as will hon. Members in all parts of the House, and no doubt we will be able to report back.

Justine Greening (Putney) (Con): My constituent, Mary McKie, is about to be repossessed next week, even though the Treating Customers Fairly regime should apply to her. Her mortgage debt has been sold to a company that is totally outside the Financial Services Authority's remit—Webb Resolutions—and even though her mortgage is a third of her property's value, she is not being given a chance to sell her home and pay back the debt. Can the Leader of the House allow us to have a debate on Treating Customers Fairly so that thousands of constituents in a similar position can have their concerns heard?

Ms Harman: On the general issue of repossessions, there will be Treasury questions next week, when it will be possible to question the Chancellor and the Treasury team about the Treasury's approach to the protection of people who lose their job or suffer a fall in their income because a family member loses their job or someone is working on short time.

As to the hon. Lady's constituent, I will get back to her when I have worked out which would be the best Department to approach to see whether some assistance can be given. We do not want anyone who finds themselves in financial difficulties to have to lose their home if arrangements can be made for them to defer the payment of their mortgage interest. We want to ensure that every help is given to them.

It is important to recognise that the rate of increase in repossessions is lower than that predicted by the Council of Mortgage Lenders, and we want to ensure that we help everyone affected.

Mark Fisher (Stoke-on-Trent, Central) (Lab): Can the Leader of the House tell us whether a bribery Bill will be included in the Queen's Speech and receive a Second Reading soon afterwards? She will recall that it was considered in draft in April and received widespread support from all parties. Will she find time for it to be concluded?

Ms Harman: My hon. Friend will know that it was included in the Government's draft legislative programme, which we published earlier this year. Of course, the Queen's Speech will announce on 18 November which Bills have made it into the legislative programme.

Mr. Michael Fallon (Sevenoaks) (Con): Will there be a follow-up statement on the lessons of the Nimrod disaster, and how many of the named individuals do the Government expect to accept responsibility and resign?

Ms Harman: The Secretary of State for Defence made a statement to the House yesterday, and there will be Defence questions next week if there are any further points that the hon. Gentleman wishes to pursue.

Andrew Miller (Ellesmere Port and Neston) (Lab): We are surrounded by leaks, both in the House and outside, and we will never carry the public with us on data-sharing issues unless we can demonstrate that we can look after things properly ourselves. May we have an urgent debate in Government time on information assurance?

Ms Harman: We have had a number of debates over recent months in response to particular such issues, and that might possibly be a good topic for an Adjournment debate or a debate in Westminster Hall.

Mr. Andrew Mackay (Bracknell) (Con): When my right hon. Friend the Member for North-West Hampshire (Sir George Young) quite reasonably asked the Leader of the House whether the Prime Minister would make a statement about the European summit on Monday, she replied, "That is usual". Would it not have been better to have said "Yes", or is the Prime Minister dithering again?

Ms Harman: The custom and practice is that the Leader of the House does not announce on a Thursday the statements for the following week, because they are often subject to change at the last minute. I announce the fixed programme of business for the week, and all that I have done is remind the House what is custom and practice. The right hon. Gentleman's point is bogus and spurious, and I cannot see why he bothered to make it.

Geraldine Smith (Morecambe and Lunesdale) (Lab): It is painfully clear to the whole country that the two sides in the postal dispute cannot reach agreement. Will the Minister with responsibility for postal services come to the House and explain why he will not instruct Royal Mail to go to arbitration so that we can stop the dispute?

Ms Harman: The Minister for Business, Innovation and Skills made a statement a week or so ago setting out the Government's position that we want to ensure that further disputes are avoided, as no doubt everybody does, above all in the interests of Royal Mail's customers but also in the interests of its staff and the organisation as a whole.

Mr. James Clappison (Hertsmere) (Con): Is the Leader of the House aware that it emerged yesterday in evidence to the European Scrutiny Committee that the rules and procedures of the proposed European presidency are being fashioned in secrecy, and that the European Council proposes to adopt them straight away without the opportunity for scrutiny or debate in this House? Might we have some debate at least about the proposed new presidency?

Ms Harman: If indeed the Prime Minister were to make a statement next week, the hon. Gentleman could raise that point with him, hypothetically.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Will my right hon. and learned Friend organise an early debate on insolvency fees and solicitors' fees? Many individuals who lose their businesses and homes find themselves taken to the cleaners by those fees, which are as high as £400 an hour.

Ms Harman: We want to make absolutely sure that we leave no stone unturned as the country and businesses face the current difficult economic situation. My hon. Friend makes an important point, and I will bring it to the attention of Treasury Ministers. It might be one that he should raise at Treasury questions next week.

Greg Mulholland (Leeds, North-West) (LD): In August, in reply to a letter, the Under-Secretary of State for Transport, the hon. Member for Ipswich (Chris Mole), told me that the Government were reneging on the promise of extra rail carriages on busy west Yorkshire lines in favour of electrification between Manchester and Liverpool and between London and Swansea. When will a Minister come to the House and give a statement to tell the people of Yorkshire about that, and when can we finally have a debate on the poor deal that this Government give public transport in Yorkshire?

Ms Harman: The reality is that more passengers and more freight are being carried by train than ever before and the trains are more on time than ever before, so I do not accept the hon. Gentleman's general proposition that the situation on the railways is poor or will be in future. That is far from the case, but I will draw his specific points to the attention of the transport team, who will write to him.

Ann Coffey (Stockport) (Lab): Portcullis House has a G rating for energy use, the worst rating that any building can have. May I urge my right hon. and learned Friend to enlist the advice of Green2Go, a company in my constituency that has developed a biofuel based on waste cooking oil, on how the energy rating of Portcullis House can be improved?

Ms Harman: The G energy rating from 2008 recognised that although the initial design of Portcullis House received an "excellent" rating under the Building Research Establishment's environmental assessment method, significant changes in function—specifically increased catering and more intensive occupation, with more people using the building—have resulted in significant energy consumption. That is why it now has a G rating. An estate-wide environmental assessment is under way and will identify improvement options for the future, and no doubt Green2Go from Stockport ought to feed into it. Meanwhile we must all play our part in helping the parliamentary estate to reduce its carbon footprint by turning off our televisions and ensuring that we do not use heating and air conditioning excessively.

Mr. Nigel Dodds (Belfast, North) (DUP): May we have a debate on the next steps in the Lisbon treaty saga? It is clear from Members of all parties that such a debate would be a matter of great interest, not only in relation to the EU presidential issue but because it would allow each party in the House to spell out to the British people in advance of a general election where it stands on a referendum. The parties could make it clear, as they go to the people, that there will be a referendum come what may, so that the people of the United Kingdom will have their say as promised by the Government and the Opposition.

Ms Harman: A series of statements about Europe are made by the Prime Minister and the Foreign Secretary, and no doubt the hon. Gentleman will shortly find an opportunity to raise that point.

Jeremy Corbyn (Islington, North) (Lab): The postal workers are back on strike because they are frightened about job losses, bullying management and the future of a vital public service. It seems extraordinary that Ministers do not have more hands-on involvement. May I repeat the calls made by other Members for a special debate to be held, as urgently as possible, on the future of the Post Office and the situation facing postal workers?

Ms Harman: Ministers are hands-on, with the intention of getting the management and the union to agree to settle their differences for the sake of the people who use Royal Mail and those who work in it.

Mr. Peter Bone (Wellingborough) (Con): Yesterday the Paymaster General confirmed, at column 273 of *Hansard*, that the Government rank ministerial Departments. The Ministry of Defence is ranked 21st out of 23. That is unacceptable, especially when we are fighting a war in Afghanistan. I genuinely ask the Leader of the House whether we can have a proper statement on the matter next week, so that we can question that priority.

Ms Harman: There are Defence questions on Monday, when the hon. Gentleman will have an opportunity to raise that matter.

Mr. Denis MacShane (Rotherham) (Lab): I do not know whether the Leader of the House heard the remarkable defence by a Conservative party spokesman on "Today" this morning of Mr. Michal Kaminski, whom the chief rabbi of Poland has condemned for having been a member of a neo-Nazi party and who whitewashes the massacre of Jews in world war two. May we have an early debate on anti-Semitism and the importance of getting the history of world war two and

[Mr. Denis MacShane]

the massacres of Jews right, particularly with reference to MEPs, not just these Poles but those from other countries? We need to get this matter cleared up and the Opposition's shameful alliance exposed to the whole world.

Ms Harman: Every year in this House, we have a debate on Holocaust memorial day, which is well attended and passionately supported by hon. Members of all parties. Not only what we do in this country and in this Chamber but how we conduct ourselves internationally is important. My right hon. Friend is right—no one in this country, particularly the Opposition, should consort with holocaust deniers, climate change deniers and homophobes. That is not the way that Britain wants to go.

Mr. Peter Atkinson (Hexham) (Con): The Leader of the House did not answer the question asked by my right hon. Friend the Member for North-West Hampshire (Sir George Young) about the dates of the Easter recess. What is her problem?

Ms Harman: I will announce the future calendar in due course. I have not got any problems, but if I do, I am sure the hon. Gentleman will be the first to know.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): May we have a debate on excessive bank charges? My right hon. and learned Friend may be aware of Bank of Scotland's recent announcement that it would raise its overdraft charges for current account holders. That could mean up to 300 per cent. increases for some people. May I ask her to use the Government's influence with that bank to get it to reconsider those proposals?

Ms Harman: We recognise that bank overdraft charges are a source of public frustration in dealing with banks. We issued a call this summer in our White Paper for a speedy resolution to the millions of complaints that have been lodged with the Office of Fair Trading about overdraft charges. We expect a court decision soon on that matter and we are also working on reforms that will force banks to be much more transparent about terms and conditions. There will be Treasury questions next week, when my hon. Friend will have an opportunity to raise the matter with Treasury Ministers.

David Tredinnick (Bosworth) (Con): Has the Leader of the House had time to consider the reduction by half of the guests' and Members' seating in the Terrace Cafeteria? Does she agree that that is an important facility for Members who bring guests into the House? Is she aware that there has been no consultation on the matter? Does she agree that the seating should be restored, and not after Christmas as proposed?

Ms Harman: There was less usage of the Members' part of the cafeteria than of the part for all others working in the Commons. It was a shame that those working in the House were having their meals in a place that was absolutely packed out when the Members' part was very underused. In response to that, the idea was to move the partition at a small cost to see whether that led to better usage. The matter will be kept under review, but I do not think there is any point in keeping tables and chairs empty.

Mr. Tom Watson (West Bromwich, East) (Lab): Arts Council England is facing its second major reorganisation in a decade. A debate would allow us to examine the scope of that, the number of staff being made redundant and the number who have been rehired as consultants.

Ms Harman: Obviously, we have to ensure, particularly as we look ahead to deficit reduction, that every pound of public money is properly spent, and that includes in the arts. The British economy as well as the quality of our life in this country is massively enhanced by the arts and the Arts Council's work. We obviously want to ensure that it is not only properly funded but spends all its money properly. My hon. Friend can probably raise the matter in Treasury questions.

Mike Penning (Hemel Hempstead) (Con): May I again raise Criminal Records Bureau checks with the Leader of the House? They were brought in to protect the innocent and the young, but they are also blighting the lives of innocent people who have malicious accusations made against them, which remain on record. I have several such cases in my constituency. People cannot clear those CRB checks and the law needs to be changed. May we have a debate?

Ms Harman: We all agree that we need a sensible and proportionate approach, which puts children's safety first and ensures that the system is manageable. I cannot think of an immediate opportunity to raise the matter, but I will consider whether the Secretary of State for Children, Schools and Families needs to update the House. I know that several developments have taken place that he might want to report to the House.

Derek Twigg (Halton) (Lab): May we have a debate on the importance of public expenditure on large infrastructure projects, which create many jobs? For instance, the proposed Mersey gateway would create hundreds of jobs through its construction and around 4,000 jobs after its construction.

Ms Harman: The Planning Act 2008 and the opportunity for a more streamlined approach to major infrastructure projects will no doubt help not only my hon. Friend's constituency but others places around the country.

Mr. Philip Hollobone (Kettering) (Con): Given that the number of annual hospital admissions for alcohol-related injuries has more than doubled in the north of Northamptonshire to 5,451 in the past six years, may we have a debate in Government time on drink-related violence and the Government's 24-hour drinking culture?

Ms Harman: I think it was the hon. Gentleman's suggestion that we have the topical debate on fireworks this afternoon, and doubtless he will make a long and interesting speech. I note that he is now making another suggestion, which we will consider alongside others. Misuse of alcohol and alcohol-related injuries are serious matters and I will consider his suggestion.

David Taylor (North-West Leicestershire) (Lab/Co-op): I declare an interest as a member of the Chartered Institute of Public Finance and Accountancy. May we have a debate on better regulation of the accountancy profession? There are egregious examples of firms such as PricewaterhouseCoopers frequently having conflicts of interest by acting as company adviser, bank adviser

and then administrator. That insolvency gravy train must be derailed as soon as possible in the interests of all so that we are not in a position whereby the practitioners get the pounds and creditors get the pence.

Ms Harman: My hon. Friend has made another important point about the way in which insolvencies are handled. It is probably more of a question for the Department for Business, Innovation and Skills than for the Treasury, although it is obviously a matter for both. I will consider how it perhaps needs to be taken forward in the House.

Christopher Fraser (South-West Norfolk) (Con): Given that recent research by the Prostate Cancer Charter for Action shows great inequalities still existing in the NHS for prostate cancer services, will the Leader of the House find time for a debate in the near future on that important issue?

Ms Harman: Perhaps the hon. Gentleman might consider seeking the opportunity for a debate in Westminster Hall or on the Adjournment—

Christopher Fraser: I have done that.

Ms Harman: In addition, I will ask my right hon. Friend the Secretary of State for Health to consider the matter. There is no doubt that proper awareness of the opportunity for screening for prostate cancer and early intervention are important for prevention and treatment. It is an important issue, on which we can make progress.

Mr. David Drew (Stroud) (Lab/Co-op): May I support those who are calling for an urgent debate on the situation facing Royal Mail? May I also ask for consideration to be given to sub-postmasters and sub-postmistresses, who face immense problems at this time? Is it not right that the Government, as the shareholder, should examine ways how they can provide support to ensure that we do not lose more of those invaluable services?

Ms Harman: We are committed to the post office network and the important work done by sub-postmasters and sub-postmistresses, and my hon. Friend is right to draw attention to the fact that it is not only those directly employed by and working for Royal Mail who are affected by the dispute. Not only businesses who use the services and the people who rely on them are affected, but the post office network is too. I will draw the matter to the attention of Business, Innovation and Skills Ministers.

Mr. Graham Stuart (Beverley and Holderness) (Con): Thousands of people replied to the consultation on the Badman review of elective home education. Many pointed to the lack of evidence and the weakness of the data that underlay his recommendations. May we have a debate in Government time on home education so that Ministers can be informed by it before they introduce any draft legislation?

Ms Harman: Again, that is something that could usefully be debated in Westminster Hall or on the Adjournment.

Mr. David Chaytor (Bury, North) (Lab): To revert to the European Union, is not the deeper issue not only the relative merits of individual candidates but the fact that so many hon. Members still oppose the Lisbon treaty, and that a considerable minority of hon. Members oppose Britain's membership of the EU? Is that not the most powerful argument for a full debate about our future relationship with the EU, and whether it should be one of isolation or of full participation? If the Government are considering any sort of referendum, should it not be on our membership so that those who oppose the consensus of the past third of a century have the opportunity to say so?

Ms Harman: The Government—the Prime Minister and the Foreign Secretary—have made it absolutely clear where we believe Britain's interest lies. Our interests in terms of the economy, tackling climate change and security depend on our working together with our European partners, and not in drawing away from them at precisely the time when international co-operation is absolutely essential. It is also important that we have a strong Europe to work with the United States, China and India, so we will be pressing forward for better co-operation and working in Europe, and putting Britain at the heart of Europe.

Paul Flynn (Newport, West) (Lab): May we debate early-day motion 2180 and the Government's Sustainable Development Commission's conclusion that the cost and problems of new nuclear power stations far outweigh any benefits?

[That this House notes that on 26 October the Government's Sustainable Development Commission said that they had 'found the problems of nuclear power far outweigh the potential benefits'; agrees with this timely and sensible assessment; and calls on the Government to abandon proposals to build new nuclear power stations.]

Ms Harman: There will be questions for the Department of Energy and Climate Change next week, when my hon. Friend can raise that issue.

Personal Statement

12.11 pm

Mr. Tony McNulty (Harrow, East) (Lab): With permission, I would like to make a personal statement. I should like to thank the Parliamentary Commissioner for Standards and the Select Committee on Standards and Privileges for the report and memorandum that was published this morning. I should like especially to thank the commissioner for his diligence and courtesy throughout this investigation. I am grateful that he recognises that I was within the rules of this House in establishing and claiming parliamentary allowances for my constituency home. I welcome his acceptance that my claims were necessarily incurred and that I consistently claimed significantly below the maximum allowed.

I accept fully that I made careless mistakes on both mortgage interest and council tax claims, for which I apologise unreservedly to the House, but I identified those errors and repaid them in full in April and May 2009.

I further accept the admonition from the commissioner about the informal nature of my arrangements. I regret that I did not recognise that a more formal arrangement would have been wise and preferable so as to avoid the risk of an appearance of benefit, and I apologise for that.

The commissioner has accepted that my claims have the effect of abating all costs except mortgage interest and council tax, and were therefore in line with advice that was given to me by the Department of Resources, which was repeated to him as recently as three months ago. He has, however, challenged that advice—that mortgage interest as a fixed cost need not be abated—and has determined that it was too narrow. He has recognised that his conclusion is at odds with the Department's advice, which he accepts I followed.

I fully accept that this investigation has been an opportunity to shine further light on both the advice given and the rules as they pertained at the time, and that the commissioner has every right to redefine such advice and apply it retrospectively. Indeed, had the advice been given to me in terms that have now been suggested by the commissioner, I would of course have acted differently.

None the less, I accept the report's conclusions in full, including the requirement to repay, with no complaint, and I apologise without reservation to the House. I should have been much clearer about my arrangements and taken steps to ensure that I was not open to any charge of benefit, and I should have had much more concern for how these rules were perceived by the public, rather than just following them.

I apologise for any part I have played in the diminution of the standing of this House in the eyes of the public. It is, however, time to move on. I apologise to the House once again without reservation, Mr. Speaker, and I thank you for allowing me to make this personal statement and for helping me to set a course to do all that I can in future to restore the trust and faith of my constituents and the public generally in our politics.

Fireworks Safety

Topical debate

12.14 pm

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): I beg to move,

That this House has considered the matter of fireworks safety.

This is, of course, a most timely and topical debate, as we are one week away from 5 November, which is traditionally celebrated with fireworks to remember that small group of recalcitrant gunpowder plotters who attempted to blow up the Houses of Parliament in 1605.

So far, the main fireworks season this year, which included Diwali a couple of weeks ago, has passed without serious incident, and I hope that it remains that way through the rest of this week and next week. Over the next two weeks, millions of fireworks will be sold and used, safely and considerately, in back garden displays; and hundreds of thousands of others will attend professionally organised and safely fired public displays. Contacts that my officials have had so far this year with various police forces—*[Interruption.]*

Paul Flynn (Newport, West) (Lab): On a point of order, Madam Deputy Speaker. Is it not extraordinary that we are into the debate, but nobody is sitting on the Opposition Front Bench?

Madam Deputy Speaker (Sylvia Heal): That is not a point of order for the Chair, but the hon. Gentleman's comments have been noted.

Ian Lucas: As I was saying, my Department has—

Mr. Peter Bone (Wellingborough) (Con) *rose*—

Ian Lucas: I will certainly give way to the hon. Gentleman.

Mr. Bone: The Minister is talking about injury to human beings. One of my constituents, Andrew Meads, has campaigned for a long time about the damage that fireworks do to animals. Does the Minister have a view on that?

Ian Lucas: I will be coming to that later in my speech, but I certainly have a view on the matter. The effect of fireworks on animals is a serious issue, and it is important to take animals into account in the measures that we take.

Mr. David Drew (Stroud) (Lab/Co-op): I accept that fireworks are part of our culture and they are very exciting to all of us. There have been genuine campaigns on this issue, and surely it is about time that we had some restrictions on who can sell fireworks throughout the whole year. One accepts that we are a bit more lenient coming up to 5 November, but there are shops that seem to be able to sell fireworks every day of every month of the year. Surely in this day and age that is not right.

Ian Lucas: The Fireworks Act 2003 placed new restrictions on dealing in fireworks. I will be going into those in more detail later in my speech.

Mr. Tom Watson (West Bromwich, East) (Lab): The legislation as it stands has made the use of fireworks more enjoyable for many Sandwell residents. If they have one question for the Minister, it is this: could he make them just a little bit quieter? What measures does the Department take to monitor complaints about noise?

Ian Lucas: Clearly the issue of noise continues to cause concern, and we are monitoring it closely within the Department. It is the aspect of fireworks that is of most concern to constituents, and it is the thing that is most brought to our attention.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): Before my hon. Friend moves on, may I say that the concern often raised with me, in addition to those that hon. Members have mentioned, is the availability of fireworks via the internet? That is of great concern. I am sure that the vast majority of shops meet their requirements carefully and closely, but unfortunately, on the internet, fireworks do not seem to be quite so closely monitored and controlled. Does my hon. Friend have a view on that?

Ian Lucas: I do not have a view on that, but I am grateful to my hon. Friend for raising the matter with me. I will certainly look at it in more detail.

David Taylor (North-West Leicestershire) (Lab/Co-op): Firework sellers who break the law can face stiff fines or even prison, but is the Minister satisfied with the adequacy of the penalties available when people misuse fireworks? People over the age of 10 can get a fixed penalty ticket, but last week, as I was walking home in the Vincent square area, a group of youths were throwing lit fireworks at passers by. That sort of thing is absolutely and unacceptably dangerous. Surely we need to review that legislation.

Ian Lucas: Clearly, the sort of behaviour that my hon. Friend describes is completely unacceptable. Of course, there would be sanctions for that sort of behaviour in the criminal law other than those available under fireworks legislation. That type of behaviour would be a criminal offence.

We have made progress on fireworks. Post from my constituency on the matter has decreased substantially since I was elected in 2001, but we continue to treat the matter very seriously.

Derek Twigg (Halton) (Lab): I get fewer complaints than I used to before the Act was passed, but there are still problems with some idiots abusing fireworks. Has there been any analysis of the number of complaints since the Act, and whether it has gone down or up?

Ian Lucas: My hon. Friend makes an interesting point. In fact, I made some inquiries within the Department about the decline in the number of complaints. In 2004, some 870 letters were sent by Members to the Department about the misuse of fireworks, and that has declined to some 140 this year, so there has been a substantial diminution. As we know, Members are strongly motivated by complaints made to their constituency offices, so that is a general indicator of the success of the legislation.

Mr. Nigel Dodds (Belfast, North) (DUP): Has the Minister had a look at the situation in Northern Ireland, which has had legislation restricting the private sale of fireworks except for organised and licensed displays? The number of complaints has diminished, although there are still some idiots—as the hon. Member for Halton (Derek Twigg) rightly characterised them. What lessons have been learned from the regime in Northern Ireland?

Ian Lucas: I am pleased to hear that the position has improved in Northern Ireland. We monitor the position constantly to try to improve things in the whole of the UK, and we need to learn lessons from any area that has benefited from statutory action.

Mike Penning (Hemel Hempstead) (Con): I apologise for being slightly late for the start of the debate.

As a former fireman whose life was blighted regularly each year by fireworks, I ask the Minister to look not only at MPs' postbags but at the injuries caused, especially to young people and those who think that they are in control of themselves, but are not, especially if they have had a drink. The injuries are horrific, and our accident and emergency departments are still full of people injured by themselves and others by means of fireworks.

Ian Lucas: If the hon. Gentleman is patient, I will address that issue. He is right to say that the injuries are serious, and I shall be interested to hear his remarks, given his experience.

Contacts that my officials have had so far this year with various police forces, fire services and trading standards departments indicate that the start of the firework season has been quiet in all senses of the word. However, the enjoyment of millions can be threatened, as so often is the case, by the thoughtless, selfish and often criminal actions of a minority. Fireworks can be fun if they are used in a responsible and sensible fashion, but it is the actions of that minority who continue to let fireworks off in the street, who buy fireworks and give them to under 18s and who think it funny to let off fireworks in the early hours of the morning, well after the curfew has come into operation, frightening people and animals alike, who threaten to spoil it for everyone else.

Since 2000 or so, the use and popularity of fireworks have grown, albeit slowly. Part of this rise can be attributed to a change in the type of fireworks available to consumers. The traditional family selection box that I recall from many years ago is now rivalled by large single ignition multi-shot cakes, "a display in a box", which were virtually unheard of 10 years ago. The popularity of these fireworks can be attributed to their safety: lighting them once sets off a display letting off anything from 10 to 200-plus effects. Obviously that may mean that some garden displays now have more bangs in them as overall they have more effects in them.

Mike Penning: What the Minister has just said is not factually true. That sort of firework is not safer, because once set off, it cannot be stopped. If it has 200 projectiles, they all have to go off and cannot be controlled.

Ian Lucas: I hear what the hon. Gentleman says and I take his point about the inability to stop the process, but the number of times that the individual comes into direct contact with the fireworks is reduced.

[Ian Lucas]

The new types of fireworks may have led to the perception that more noisy fireworks are let off each year. Another reason is the growing popularity of fireworks for use at weddings and civil partnerships, anniversaries, birthdays and other celebratory events. Such usage was unusual in the past, but it is developing. This trend has spread the traditional use of fireworks from bonfire night to other nights of the year.

It is important that the Government take an active role when it comes to issuing firework safety messages. My Department has been communicating such messages throughout Diwali and will continue to do so in the run-up to 5 November. We have worked closely with the Department for Children, Families and Schools to promote child safety during the firework season, which complements my Department's aim to promote firework safety in general.

There are two main audiences for firework safety messages. The first is the general public who hold displays in their back garden for their children, and who may not be aware of the firework code and safe practices, thereby putting themselves and their own and other children at the risk of serious injury. The second is the retailers of fireworks: we must encourage them to sell fireworks responsibly and remind them of their obligations under the Fireworks Regulations 2004, which are helping to tackle firework crime and misuse.

The aims of the activity delivered by my Department and DCSF are to ensure that consumers have adequate information about firework safety; to reduce the number of fireworks-related injuries by ensuring the public are adequately aware of the risks and dangers posed by fireworks; and to encourage retailers to sell fireworks responsibly to over-18s and remind them of their obligations under the relevant fireworks legislation.

The messages are being communicated by an existing stock of TV and radio advertisements about fireworks safety on commercial and BBC stations. These are "fillers" that are placed, free of charge, in unused air-time. We also produce news releases carrying safety messages, aimed at the regional press. We also engage with key stakeholders such as the Child Accident Prevention Trust and the British Fireworks Association.

The fireworks website www.direct.gov.uk/fireworks has also been updated and is being promoted on the home page of Directgov. The website contains free resources that can be downloaded to help with the promotion of the safe use of fireworks. This includes schools packs; a campaign toolkit aimed at trading standards departments to enable them to undertake local initiatives; an information leaflet for retailers; and copies of the fireworks code as leaflets and posters.

Mr. Flello: I have noticed that the information provided with fireworks talks about the distance that should be maintained from the lit firework—for example, 25 metres. Given the trend towards smaller gardens, should the recommended distances be replaced with warnings that particular fireworks are not suitable for small gardens? That could make matters clearer and more specific and would stop people buying fireworks that they think are appropriate for the size of their garden, but are in fact not.

Ian Lucas: My hon. Friend makes a sensible and helpful point, and I will certainly take it back to the Department.

We have tried to make the information on the website as accessible as possible, and it includes games for children to play so that they can benefit from information on this serious issue in an accessible and fun way.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I wonder if my hon. Friend agrees with me on this matter, although he might think my position strange given that I represent Huddersfield, which is home to Standard Fireworks—the largest fireworks company in the land, although unfortunately it now manufactures fewer of them and mainly imports from China. I have been campaigning on this matter for many years. The safest place for fireworks is around a proper community fire with community fireworks, not in people's backyards. I know that I have made myself unpopular on this subject, but that would be the best option—and a much less polluting one, given the amount of pollution given off by the hundreds of thousands of bonfires up and down the country.

Ian Lucas: I have heard my hon. Friend's views, and I know that a number of hon. Members hold similar ones. The Government have considered this issue over many years, but we have taken the view that it is part of our culture and can be dealt with as we are dealing with it—through a balanced approach and allowing, with limitations, the use of fireworks in a private environment.

John Mason (Glasgow, East) (SNP): To follow up on that point, does the Minister at least agree that via publicity and so on we should encourage people to go to such public events? Councils such as that in Glasgow and elsewhere put on excellent events that are actually much better than those that people hold in their own gardens.

Ian Lucas: I agree entirely with the hon. Gentleman. I have been at displays that were certainly far better than my inadequate efforts in my back garden many years ago. I encourage everyone to go to and enjoy public displays because they are much more entertaining.

Jeremy Wright (Rugby and Kenilworth) (Con): May I take the Minister back to a point he made earlier in reference to what we are discussing now? Is it not the case that often people will go to an organised display, but will also have fireworks displays in their back gardens? The problem is that the fireworks season now extends to about a quarter of the year. We need to start saying to people that it might be nicer if they were considerate to their neighbours and did not set off quite so many fireworks quite so often.

Ian Lucas: It is an exaggeration to say that the fireworks season extends that far. There was a major concern a few years ago that fireworks were being used for far too long a period, but in my experience that has diminished to some extent. For the most part, we now have a relatively truncated fireworks season, which I think is a good thing.

Increasing numbers of displays now have a children's display, and some large public displays have—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am afraid that the Minister has had his allotted time. I call Mr. Adam Afriyie.

12.32 pm

Adam Afriyie (Windsor) (Con): I am delighted that this debate has arisen today. It covers an important issue, and provides a timely opportunity to consider whether stronger fireworks safety regulations are needed. I welcome the debate, therefore, and thank my hon. Friend the Member for Kettering (Mr. Hollobone) for his vigorous campaigning. It is an important issue, and I think that the Minister has highlighted some of the dangers and joys of the use of fireworks.

Some 500 years ago, terrorists attempted to blow up this place. Their plot failed, but they succeeded in placing an annual event in the British calendar, and to this day we mark the occasion with bonfires and fireworks on bonfire night. Fireworks form part of our history and culture, not only on bonfire night, but on new year's eve, and others use them for weddings and during Diwali, Eid and Hanukkah.

There are two kinds of fireworks. First we have the thrilling fireworks of celebration, entertainment and joy. They provide the glittering spectacles that excite our children and set our hearts pumping. They are the fireworks watched on the millennium's eve and at the opening of the Olympics. They are the fireworks that bring our families and communities closer together and bind our society closer still with a sense of common history and heritage. And they are the fireworks that, if used responsibly, bring jobs and livelihoods to thousands of people. If we are talking about those kinds of fireworks, I am completely and wholeheartedly in favour of them.

There is, however, a second kind of firework: the misused fireworks of the irresponsible and antisocial. They are the fireworks that startle horses, pets and wildlife. They are the fireworks that unexpectedly break a good night's sleep. And they are the fireworks that ignorant people misuse, causing danger, harm and injury to others. If we are talking about those kinds of fireworks, I am completely against them.

Fireworks are explosives, which pose a potent risk of injury, and it is important that we consider those risks from time to time. I am glad that we are doing so today. In a civilised, democratic society, it falls on us to consider the risks, evidence, statistics and options available so that we can come to a balanced judgment. We must take that responsibility seriously on behalf of the people who elected us. Our priority must be strong and effective rules or alternative measures to underpin the safety of fireworks. We took the responsibility seriously in 2003—before my time here—and I am pleased that Conservatives at that time, alongside Members of all parties, supported the Fireworks Act 2003.

Shona McIsaac (Cleethorpes) (Lab): Very few.

Adam Afriyie: It was not an uncontroversial Act.

Shona McIsaac: It was.

Adam Afriyie: It was not uncontroversial, because it contained enabling measures bestowing the power on a future Secretary of State to create regulations and make decisions that were at that point undefined. Conservatives are always uneasy when the Government take on new powers without defining them. However, the Fireworks Act was a good step forward, and we are glad that it is in place.

Ian Lucas: I ought to pay tribute to my former colleague, Bill Tynan, who took forward the Fireworks Act. I omitted to do that earlier, but the step that he took was worth while. I am sure that the hon. Gentleman will agree with me on that.

Adam Afriyie: I thank the Minister for his intervention. That debate on fireworks safety, which led to the introduction of the legislation, was conducted sensibly and rationally. It was a good step in the right direction, although there is always hesitation from Conservative Members over enabling legislation.

This is not the first time, therefore, that we have considered fireworks safety. There has been a raft of fireworks safety legislation and regulations stretching back to the Explosives Act 1875. There followed the Protection of Animals Act 1911, the Health and Safety at Work etc. Act 1974, the General Product Safety Regulations 1994, the Fireworks (Safety) Regulations 1997, the Fireworks Act 2003, the Fireworks Regulations 2004, the Fireworks (Safety) (Amendment) Regulations 2004 and the Fireworks (Scotland) Regulations 2004.

Mr. Bone: Has my hon. Friend considered the later Animal Welfare Act 2006, which puts a duty of care on pet owners, and how that duty relates to the damage done by fireworks and the distress caused to animals? Has that been taken into account?

Adam Afriyie: Very much so, which is why I mentioned in my opening remarks that we have to consider the irresponsible use of fireworks at non-designated times, which can have a dreadful impact. In Windsor, we have two race courses and a wonderful array of wildlife, but horses, dogs and cats are startled by the use of fireworks. It is really important to consider that, especially when there is a legal obligation on the owners of pets and animals to take care of their well-being. There is a bit of a conflict, therefore, and I hope that it will be explored further during the debate.

Jeremy Wright: Does my hon. Friend agree that one of the difficulties for animal owners is the unexpected use of fireworks? If we have an organised display on 5 November, everyone knows that they have to prepare their pets and horses for the event, but when they do not know that the fireworks are coming, they cannot do the necessary preparation and look after their animals properly.

Adam Afriyie: Quite right. My hon. Friend has put the point clearly and fairly eloquently. As I said, I hope that those points will be picked up and examined further during this short debate.

Looking back through previous debates, it seems that almost everything has been considered on many previous occasions. Today we have an opportunity to examine the evidence and to see whether anything has changed to warrant further regulations or changes. We are happy to discuss how the existing regulations might be improved, because we want the risks to be managed sensibly and effectively. However, we think that a complete ban on the sale of fireworks would be a disproportionate response. We do not want to be killjoys or to ban everything that carries a risk, nor do we want to introduce a draconian state-sanctioned prohibition without clear evidence that it is necessary. It is wrong to punish the thousands of families and communities who put on safe and enjoyable

[Adam Afriyie]

firework displays at designated times and in the correct manner. It cannot be right that the actions of an antisocial minority dictate the lifestyles of the majority.

John Mason: The hon. Gentleman says that he would not like a complete ban, and I tend to agree, but would he be open to tightening up the regulations, as has been suggested?

Adam Afriyie: I will come to that point in general terms in a moment, but we are open to looking at the evidence of what may have changed since 2003 and 2004, when the legislation was brought in. Let us look at the trends in the numbers of injuries and complaints. If there is something to respond to, we will be open to responding with appropriate measures.

Mr. Watson: Does the hon. Gentleman see any merit in regulations that would allow slightly quieter fireworks for domestic use, but louder fireworks for commercial display?

Adam Afriyie: A little boy was squeezing my hand at the last fireworks night and saying, "Why don't they make fireworks a bit quieter?" He likes the spectacle, but he was not sure about the crashing and banging, so I sympathise with the hon. Gentleman's point. We have different categories in place, but my personal preference would be to consider the noise nuisance a lot more than the light nuisance. We are happy to discuss the regulations, but we do not want to be killjoys or respond in a knee-jerk way by banning things that may carry some risk without looking closely at the evidence.

In closing, let me say that I understand that this can be an emotive matter, especially when people's safety is at stake. In those circumstances, it is more important than ever that we adopt a calm, reasoned and scientific approach to our deliberations. We are only at the beginning of this debate, but I am pleased that it has been reasonably well conducted so far. As the shadow Minister for Science and Innovation, I believe that it is vital that we consider the matter carefully and on the basis of the available evidence. It would be irresponsible to make policy changes without looking at the evidence.

We need to know whether the number of injuries is rising or falling. We need to know what the impact of awareness-raising campaigns is on the number of injuries. We need to know whether people are being injured at home or at the major events. We all have our instincts about that, but let us look at the figures. We also need to know the number of children and minors injured relative to the number of adults. That is just one stream of information that we need to look at.

Information is power, but I have a complaint. The Government have put us in a difficult position. Bizarrely, they told officials to stop gathering the information on injuries in 2005. That was a very odd decision, and it is not good enough. Even the impact of the measures introduced in 2004 cannot be monitored adequately if the information is not available. I therefore have two requests for the Minister. First, will he make a commitment to start this year to count the number of injuries caused by fireworks? Secondly, will he give an unequivocal commitment that any changes to the regulations will be based on evidence, not merely assertion? This is not a debate with an ideological divide.

Mike Penning: Having been a fireman, I cannot believe that the Government stopped collecting the data, given that the safety of the public is the most important thing. Not only should those data be collected again, but they should include where the incident took place, whether at a public display, in a private residence or in the street. That information is crucial, so that we do not introduce unworkable legislation.

Adam Afriyie: The point is incredibly well put and I agree with it entirely. The statistics have been gathered since the mid-1970s, I think, and it could be argued that we should gather them in even greater detail, but to abandon collecting them altogether is a very odd move by a Government who say that they are interested in the outcomes of their policies.

Mr. Philip Hollobone (Kettering) (Con): Perhaps I can help my hon. Friend out. In 2005, which was the last year in which the statistics were collected, the Government reported that 48 per cent. of firework-related injuries were sustained at family or private parties, that one quarter were sustained in the street or another public place where fireworks were banned and that half the victims were children, even though it was then illegal to sell fireworks to anyone under 18.

Adam Afriyie: I am glad that my hon. Friend has told the House the numbers. The question now is: what has been the impact of the regulatory changes in 2003 and 2004 on the number of injuries that we are concerned about? If the information is not collected, there will be no way for the House to make a sensible judgment on what may or may not need to happen next.

Mr. Watson: The hon. Gentleman and I share an obsession with data, so will he confirm whether he is saying that he would bring back data collection, and if so, whether he has costed it?

Adam Afriyie: There is a cost to data collection, and we must ensure that it is not disproportionate. However, in this case, given firework safety, the antisocial aspects of fireworks and the impact on animal welfare, the figure would have to be pretty enormous to fail to justify merely recording the causes of an incident when somebody arrives at accident and emergency or wherever. I think that the data are already collected; we merely require an adjustment.

Mike Penning: Perhaps I can help my hon. Friend. In my other role, as a shadow Health Minister, I can tell him that those data are collected by A and E departments and minor injuries units. Transferring them across would simply be a matter of joined-up government.

Adam Afriyie: With the advent of modern technology—distributive processing, systems being able to interoperate with each other, cloud computing and virtualisation—such data transfers and interconnections are pretty easy to make. I am not sure that there would be an enormous or disproportionate cost to transmitting those data to the appropriate location. Doing so would certainly give hon. Members, who have a responsibility to consider the evidence in order to reach a judgment, the opportunity to do just that.

There is not an ideological divide in this debate. Of course we all want safety and well-being for our families and our constituents. Of course we all want the antisocial

behaviour that we witness in many of our constituencies to be brought under control. Let me finish by urging the Minister, first, to reinstate the collection of data or give us a good reason why he would not want to do so. Secondly, will he give a commitment that the regulations that he makes—or that he is considering or may consider making—will be based on the evidence? Finally, this is an emotive debate, so let me urge a calm and reasoned approach to it. I look forward to the rest of the debate.

12.47 pm

Shona McIsaac (Cleethorpes) (Lab): I am delighted to take part in this topical debate. When it was announced, I got out my heavily annotated copy of the Fireworks Bill, of which I was a co-sponsor, along with my colleague Bill Tynan. I also used to chair the all-party group that campaigned for the legislation. I hear what the Opposition said about being terribly calm, but one reason why that group was set up was to try to face down some of the opposition to introducing the changes that we needed to tackle the serious antisocial behaviour that was associated with each 5 November.

Private Members' Bills are notorious for never getting on to the statute book. We had to use a lot of tactics to get the Bill through, which involved the hon. Member for Uxbridge (Mr. Randall), who was also one of the Bill's co-sponsors, essentially having to sit on recalcitrant Opposition Back Benchers. The irony was that we set up the group to campaign on the issue shortly after my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) made one of the first attempts to bring in a private Member's Bill on the matter after the 1997 election, to which the Opposition also objected.

Our aim was to try to get the legislation on to the statute book before the 400th anniversary of the gunpowder plot, and our very best chance came in 2002. Several members of the all-party group on fireworks were lucky enough to be drawn in the ballot for private Members' Bills, so we got together and said, "Right. Each and every one of us will put forward a Bill on fireworks." We went, mob-handed, to see the Minister and said, "If you don't accept the Bill introduced by Bill Tynan, who came second in the ballot, we will move on to Bill No. 5, then No. 7, No. 12 and No. 17." So the poor old Minister would have had to have spent every Friday dealing with debates on fireworks.

I hope that that gives the debate a little background flavour of the tactics that we had to employ to get the changes that we wanted. I find it astonishing that anyone should suggest that the legislation went through terribly smoothly and without any opposition. In fact, the Second Reading debate was probably the most well-attended Second Reading debate of any private Member's Bill in that Session. Obviously, we again had to employ suitable tactics, so we ensured that we had well over 100 people in the Chamber at Prayers that day to show the opponents of the measures that we had the numbers to ensure that the Bill went through.

Mr. Hollobone: Was it not a shame that the Government did not give some of their time to enable the legislation to go through rather more easily?

Shona McIsaac: This one had always been done as a private Member's Bill. I was chair of the all-party group on fireworks at that time, and one reason that we went mob-handed to lobby the Minister was that we felt that the Government were being a little slow on the uptake. Back in 1997 and 1998, there was a problem because of different types of fireworks starting to be sold, fireworks starting to be sold in the summer, and shops opening up specifically to sell fireworks for short periods. This was resulting in a big increase in noise nuisance and antisocial behaviour, and vets and the Royal Society for the Prevention of Cruelty to Animals were reporting more and more injuries to animals. We felt that the Government were being a little bit slow to catch up and respond to this increased nuisance.

We managed, however, to get enough people to back the Bill, and there were well over 100 people in the House that day. They all wanted to take part in the debate, but again, we had to ensure that the Bill got through its Second Reading, so very few of them actually spoke. I want to pay tribute to the Members from across the House who supported the Bill. They included the hon. Members for Kingston and Surbiton (Mr. Davey), for Chesham and Amersham (Mrs. Gillan), for Angus (Mr. Weir) and for Uxbridge, as well as my hon. Friends the Members for Plymouth, Sutton, for Lanark and Hamilton, East (Mr. Hood), for Chorley (Mr. Hoyle) and for Glasgow, North-West (John Robertson). They also included Paul Tyler—now Lord Tyler—and Brian White, the former Member for Milton Keynes, North-East. Baroness Ramsay of Cartvale was our stalwart champion who ensured that the Bill got through the other place.

I used to get hundreds of complaints about fireworks every year in my postbag and e-mails, but the number has now declined. There is not the same level of complaints about fireworks going off in August and September, for example.

Mr. Hollobone: I am listening to the hon. Lady with great interest. The latest statistics from the national incident category list show that, in 2008-09, there were 45,112 incidents of the inappropriate use, sale or possession of fireworks, compared with 33,142 the previous year.

Shona McIsaac: I was simply saying that the number of complaints that I was getting in my postbag—about, for example, the use of fireworks throughout the year—had substantially diminished. However, when the Bill became an Act, and was implemented through various orders, it took some time for the processes to kick in, which might explain the statistical trend that the hon. Gentleman has mentioned.

Last week, I met several members of the Fire Brigades Union when they were lobbying Members of Parliament in Westminster. They have known about my interest in this subject over a number of years, and they were telling me about their experiences. They said that the number of incidents involving fireworks that they had to deal with had declined. In our area, firefighters also have the power to remove inappropriate bonfires in public places, and they tell me that that has made a huge difference to the number of incidents that they had to deal with.

Mike Penning *rose—*

Shona McIsaac: I think I know what the hon. Gentleman is going to say. I will give way to him in a few seconds.

The members of the Fire Brigades Union also told me that the nature of the fireworks available now gave them great cause for concern, and I agree with them.

[Shona McIsaac]

This is where I differ from my hon. Friend the Under-Secretary. We are no longer talking about the Catherine wheels and the rockets in milk bottles that I remember from my childhood. Nowadays, fireworks come in huge, heavy "cakes", as they are known. Yes, they have to be lit only once, but they are massive and completely inappropriate for domestic gardens. In our area, there are many small, terraced houses. The instructions on these "cakes" specify the distance that people are supposed to keep from them, yet they are being used in those settings. I am worried about the inappropriate use of these very large, modern fireworks.

Mike Penning: Actually, I was not going to mention multi-launchers, although I shall talk about them later if I catch your eye, Mr. Deputy Speaker. I was going to say that it is all well and good for the hon. Lady to say that the fire brigade has the power to remove bonfires—I have my Fire Brigades Union membership card, which I am very proud of, in my pocket—but firemen are not law enforcers. It is not their job to go and shut things down; they need the police with them to do that. It can often be very difficult for them when they are at an incident. We have had bricks thrown at us from the tops of tower blocks when we have been trying to put fires out. We have to remember that firemen are firemen, not enforcement officers.

Shona McIsaac: To be picky about this, firefighters deal with fire and safety. When I was discussing this with them, we also talked about attacks on members of the fire service when they were called out to incidents. Obviously, I can talk only about the area that they were serving, but they explained that many of the attacks around 5 November related to people building huge bonfires in the middle of housing estates. Those bonfires would be lit, and when the firefighters went to the incident, they would get bricks thrown at them. Some of those bonfires are piled high with pallets, tyres and so on. In recent years, however, the firefighters in my area have had the power to remove them—an ability that they see as part of their role in dealing with safety. They tell me that, since then, the level of antisocial behaviour towards them—having stones thrown at them, for example—has dropped.

I want to make a few points to my hon. Friend the Minister, because, in spite of the progress that has been made, some concerns remain. One is about animals, and about guide dogs in particular. We need to consider the impact of the noise from fireworks on guide dogs. Guide Dogs for the Blind gave us phenomenal support for our private Member's Bill. It tells me that every year, some of its dogs and puppies are unable to continue working because of the noise from fireworks.

I think we should do something about the noisiest fireworks; it is possible to manufacture fireworks that do not produce so much noise. How to tackle the problem of illegal sales is another issue that deeply worries me. I am told that there have been many more illegal sales since restrictions were brought in. Tracking where fireworks go when they come into the country—most are imported from China—is important. I would like to know more about what happens with firework imports, as not as many fireworks end up in shops as are brought into the country every year. Internet sales—an age-related issue—are another problem. It is not, of course, just a problem of fireworks, as for a whole range of age-related sales young people pretend to be at a suitable age so that they can buy certain products.

I do hope that we can do something about these very large cake-type fireworks going off in small gardens. As I and others mentioned earlier, we might be able to look at how the labelling is worded. Rather than focusing on distance—I always think my garden is bigger than it actually is—and by saying that these fireworks are inappropriate for small domestic gardens, we could provide better guidance for dealing with the reality of modern fireworks.

Thank you once again, Mr. Deputy Speaker, for calling me to speak in this debate. I think that hon. Members can tell that although we have had some changes, this remains an issue very close to my heart.

1.1 pm

Lorely Burt (Solihull) (LD): I am not personally a huge fan of fireworks, but I know that they bring great pleasure to millions of people in this country, especially children. It is a shame that the actions of a few can spoil the pleasure and, indeed, the quality of life of many, but I do not believe that banning fireworks would be justified. As well as depriving retailers of a valuable source of income, a ban might create a thriving, unregulated black market. Some people might even try to make their own fireworks, which would have disastrous consequences in many instances.

As we have heard, the Government have introduced many regulations over the past few years, which have helped to strengthen the arm of the law in tackling antisocial behaviour. The police are now able to issue a fixed penalty notice on the spot and they can bring forward ASBOs and acceptable behaviour contracts in more extreme circumstances. No one under 18 can buy fireworks. Although the vast majority of retailers adhere to this regulation, fireworks can be bought on the internet, as the hon. Member for Cleethorpes (Shona McIsaac) said, and no proof of age is required.

Mike Penning: Does the hon. Lady agree that it is ludicrous to be able to purchase fireworks over the internet? It presents safety issues during the transport of a product, which puts other people's lives at risk, especially those working in sorting offices, and we have no knowledge at all of who is buying the fireworks. If that is happening, the Minister should act now to stop it.

Lorely Burt: I am grateful for the hon. Gentleman's intervention. I had my researcher on the internet yesterday to find out just how easy it was to buy fireworks. It is extremely easy, so the Minister might like to look at that and deal with the issue in his response.

Non-specialist retailers are able to sell fireworks only for a prescribed period. The Government's Firework Regulations 2004, built on the 1997 regulations, placed a curfew on the use of fireworks from 11 pm to 7 am in "peacetime", from midnight on 5 November and from 1 am on new year's eve and for Diwali, the Chinese new year and other celebrations mentioned earlier in the debate.

Anecdotally, I would say that the number of complaints I have received has diminished over the past few years. However, there are issues that the Government should

tackle. Safety has been a big concern in the past. It is impossible to comment at the moment on how many people are injured because, as the hon. Member for Windsor (Adam Afriyie) said, the Government stopped collecting the statistics in 2005. That is not very helpful. We understand that the figure stabilised at around 1,000, but the then Department of Trade and Industry seems to have taken the view that it was unlikely to change either through safety awareness or further regulation.

To buy category 4 fireworks, I understand that people need to say only that they are a professional firework display operator. No proof is required, and there is no requirement for a licence, although some of the worst accidents have taken place in events, involving thousands of people, that were stage-managed by unlicensed operators who, potentially, had carte blanche to cause mayhem. I would thus ask the Minister to consider introducing some professional licensing requirement for public firework display operators.

My second main area of concern, which several hon. Members have already mentioned, is pets. I am not talking about acts of gratuitous cruelty, although they demean us as a society. I am not even talking about the 4,500 pets a year who wind up being treated by vets for injury. It is incumbent on responsible owners to keep pets inside during the firework season, although I acknowledge the point about unexpected fireworks going off outside the approved curfew time.

What I am talking about is the noise factor, which can distress millions of pets at this time of year. I believe that the 120 dB limit is too high for many pets to tolerate and causes a disproportionate amount of suffering. The Royal Society for the Prevention of Cruelty to Animals has run a campaign called "Keep the noise down" and it wants to see the limit reduced from 120 dB to 97 dB—a reduction that would have a marked impact, so I would be grateful if the Minister said whether the Government would at least look at that proposition.

Mr. Watson: I am grateful to the hon. Lady for allowing me to intervene on noise reduction. I am trying to work out the position of all three parties on this subject. Is what the hon. Lady said a Lib Dem policy or is she just questioning the Minister?

Lorely Burt: I am questioning the Minister, asking him whether he would be prepared to look at the issue, which I hope answers the hon. Gentleman's question.

Surely nobody wants a fun firework night at the expense of the suffering of dumb animals. As for the little boy mentioned by the hon. Member for Windsor, is not the real fun of fireworks the spectacular display rather than the loud clashing and banging?

I wish everyone a sparkling bonfire night, including my constituents in Solihull, who are to be treated to a free firework display run by the Round Table a week on Saturday, which is particularly welcome at this time of recession.

1.8 pm

Mr. Philip Hollobone (Kettering) (Con): I am grateful to the Leader of the House for making the time available for this afternoon's debate. I cannot think of a more topical subject as we come up to bonfire night, so it was a wise choice. I congratulate all Front-Bench Members on their contributions.

My position on behalf of my constituents is to call for a ban on the retail sale of fireworks. I do so after much consideration, much thought and much evidence from my constituents that that is what they would like to see. The local newspaper, the Kettering *Evening Telegraph* has, over a number of years, run many stories on this issue. Two years ago, it polled some 800 readers by inviting their views on the subject, and 88 per cent. said that they felt that the time had come to ban the retail sale of fireworks altogether. Although we can never represent all the views of our constituents, I am confident that, in this case, I represent the majority view of my Kettering constituents.

As the Minister said, it is appropriate that we are talking about this issue here in the Houses of Parliament. In 1605, Guy Fawkes tried to blow up Parliament, which is why we have bonfire night every year—to celebrate the foiling of what would have been a really major terrorist incident of its day.

I like fireworks as much as anyone else. I think they are terrific. The colour, the sparkle, the noise and the spectacle are absolutely wonderful, and I love going to firework displays. The sad fact is, however, that in our country today, 1,000 people a year are hurt because of fireworks during the four or five weeks of the bonfire season. It is a disgrace that Her Majesty's Government stopped collecting statistics on firework-related matters in 2005. I hope that, at the very least, the Minister will tell us that he too is concerned, and that he will take steps in his Department and across Government to ensure that the issue of firework statistics is dealt with appropriately.

In 2005—the last year in which statistics were collected—nearly half the injuries sustained as a result of fireworks were sustained at family or private parties, 25 per cent. were suffered in the street or in other public places where fireworks are banned, and half the victims were children, although it is illegal to sell fireworks to anyone under 18. Those are very serious statistics.

Shona McIsaac: It is true that it is illegal to sell fireworks to children, but it is at family parties that children are injured.

Mr. Hollobone: The hon. Lady is spot on. That is why I want the retail sale of fireworks to be banned. Although injuries are occasionally sustained at well-organised public events—there was a very sad case in my constituency a few years ago—most are sustained in people's private homes and gardens.

While people may organise private or family firework displays for the best of reasons, it is, in my view, impossible to hold such displays without being antisocial. Unless those people live in very remote properties, a great many others will hear the noise. If a family suddenly ramped up the stereo system and blared out music at 120 dB, there would rightly be plenty of complaints and legislation to deal with it, but it seems that when it comes to fireworks it is okay to make a lot of noise in crowded, built-up areas.

John Mason: I wonder whether the hon. Gentleman is going slightly too far by demanding a complete ban. When people let off fireworks on 5 November, does that not give a great deal of enjoyment to the wider community, especially people who live on their own and do not set off fireworks themselves?

Mr. Hollobone: I respect and understand the hon. Gentleman's point of view. The point that I am making on behalf of my constituents is that the best way in which to celebrate the bonfire season—and other events, such as Diwali and the Chinese new year—is through organised, licensed displays, which minimise the health and safety issue and also provide an opportunity for charities to raise a lot of money. Although friends and families sometimes get together to hold joint firework parties, there are still plenty of risks of injury, and, sadly, the statistics tell us that many people are injured as a result.

Lorely Burt: The hon. Gentleman has already given us evidence of his mastery of the various statistics. He has told us that 50 per cent. of injuries are sustained at private parties. Can he tell us what percentage of people attend private parties as opposed to public events?

Mr. Hollobone: I have absolutely no idea. It would be nice if the Government could tell us, and that is another reason why it would be good to collect the statistics.

Mr. Watson: I am enjoying the rocket that the hon. Gentleman is giving all three Front Benches, but does he not think that a total ban would drive people to the unregulated black market, and that more unsafe fireworks would be available as a result?

Mr. Hollobone: The hon. Gentleman has made a good point with which many Members will agree, but, although I share his concern, I do not think that that is a reason not to impose a ban. I believe that the vast majority of people who hold family or private firework parties are law-abiding citizens who would not want to organise an illegal fireworks display. I also believe that a ban would make policing much easier. If a police officer heard a firework being let off, finding the person who was committing that illegal act would be fairly straightforward.

There are some stunning statistics. I read a very good article in this week's *Sunday Telegraph* by Melanie Wright, who wrote:

"According to insurer esure, about 2.8 million people are planning to hold a bonfire party at home this year."

I must tell the hon. Member for Solihull (Lorely Burt) that I do not know how many of those people will also be attending organised displays, or how many people who do not hold bonfire parties at home will attend them, but that would certainly be an interesting statistic.

According to the article,

"research from Churchill Home Insurance reveals almost two million British homes have been damaged as a result of fireworks going astray, with each incident costing an average of £307 to put right."

It also gave another stunning statistic:

"Ariva claims data reveals that Bonfire Night is the worst day of the year for burglaries – they rise by over a quarter – as well as the worst day of the year for car theft – an increase of 25 per cent. compared to an average day."

Members will be asking themselves why that is the case. One reason is that the police are having to spend so much time dealing with all the antisocial behaviour caused by the inappropriate use of fireworks on or around bonfire night that burglars and car thieves are taking the opportunity to go about their business.

Sheona McIsaac: I was burgled at that time of year, although it happened a good few years ago. The police told me that crime peaks during that period because the noise masks many of the tell-tale signs. When rockets are being let off, people can smash windows and the neighbours will not hear. It is not that the police are necessarily elsewhere.

Mr. Hollobone: It is probable that we are both right, and that both factors play a part.

Lorely Burt: I am sure that the fact that burglars and car thieves may not be wild about bonfire night does not contribute to the statistics. However, I am concerned about the hon. Gentleman's suggestion that the police should spend their time investigating whether people are holding their own little covert bonfire parties. Would that not be an equally inappropriate use of police time?

Mr. Hollobone: It is not that the police are going around snooping on people holding private parties, because that is a legal activity. What concerns them is the inappropriate use of fireworks in public places. Inspector Dick Aistrop of Northamptonshire police has told me

"we build up our resources as bonfire night approaches and our BCU"

—basic command unit—

"prepares an operational response. We identify a 'Bronze' Commander (Inspector) to oversee those few days adjusting officer and PCSO duties towards the evening in order to respond to the increase in demand."

There is evidence that the police are, quite rightly, adjusting their priorities to deal with the antisocial nuisance caused by fireworks around bonfire night.

An excellent article recently in the *Press and Journal* quoted Ally Birkett, the head of community safety at Grampian fire and rescue service, who said to local residents:

"We strongly recommend that you do not hold your own bonfire and fireworks party and that you attend an organised and stewarded event. Fireworks are explosives, not toys. If they are used inappropriately, they have the potential to cause severe injury or death."

In that, he is spot on.

Jeremy Wright: My hon. Friend is making a very good case. Does he agree that one of the other problems in this country is the closeness in time between Halloween and 5 November? There has been an increase in trick or treating, and fireworks are being used in that activity. That is particularly distressing, especially for the elderly who are coming to fear this time of year for all the wrong reasons.

Mr. Hollobone: As usual, and as on so many matters, my hon. Friend is absolutely right. The fireworks season is far too long. The prescribed period in the legislation is 15 October to 10 November. I would suggest that it is flexible on the boundaries and is too long. It should be redefined to "5 November or the nearest weekend". We seem to be able to do that with Remembrance Sunday, which we celebrate on the nearest weekend to 11 November. Why cannot we do the same for bonfire night? The added complication in our multicultural society is Diwali, which happens around the same time. In some of our more urban areas that is causing a problem as well. Again, if the retail sale of fireworks were banned, we

would not have the problem. We would have licensed and organised events happening on or immediately around bonfire night itself.

Mr. Henry Bellingham (North-West Norfolk) (Con): My hon. Friend is putting a persuasive case and will recall that, a couple of years ago, he and I took a petition to No. 10 that had been organised by my constituent Teresa Kulkarni, who has been campaigning tirelessly on the issue for many years. I entirely agree that having a shorter timespan for fireworks would make a lot of sense. Does he agree that putting the onus on retailers would make a lot of sense? If we had an initial voluntary scheme to prevent the sale of fireworks outside that period, we would not need legislation, on which we could fall back as a last resort.

Mr. Hollobone: I am most grateful for that helpful intervention. I well remember the high-powered delegation that my hon. friend led to No. 10 to present the petition from Miss Kulkarni, which I think contained about 129,000 signatures and clearly represented a large body of opinion that would like action to be taken against fireworks. His constituent would go further than his modest proposal and although I respect his views on the need to tighten legislation, I would go further. If we are to be sensible and get to the nub of the problem, we need to ban the retail sale of fireworks altogether.

The law, as tightened in 2004, is not having that much effect. From 2007-08 to 2008-09, the number of antisocial behaviour incidents recorded by police in England and Wales relating to the inappropriate use, sale, and possession of fireworks climbed from 33,142 to 45,112. The number of penalty notices for disorder issued for firrworks-related offences in the latest year for which figures are available, 2007, was a grand total of 816, compared with 33,000 incidents. In 2006, the number of defendants proceeded against at magistrates courts for offences relating to fireworks in England and Wales was 571. I would suggest that a very small number of people are being sanctioned for the inappropriate use of fireworks. The legislation is well intentioned but it is not having the necessary at street level.

There is concern that we are not getting the information that the House needs. My local hospital has been extremely helpful in telling me that during November it sees on average 43 per cent. more attendances for burns than at other times of the year. I am also told that the hospital does not record specifically an A and E attendance as a result of fireworks, as it is not part of the nationally mandated data collection. It is the best estimate they can give me but it is not mandatory to collect the evidence.

I asked my local fire and rescue service in Northamptonshire for its statistics. It was extremely helpful in telling me that there were about 81 recorded firework incidents for the first eight days of November in most years. But, again, it had to search through its data, using the word "firework", as the information is not specifically collated. The local police inspector tells me that over the years 2006 to 2008, there were between 144 and 173 incidents of the inappropriate sale or use of fireworks under the antisocial behaviour legislation.

There is no doubt at all that animals are severely distressed by the loud bangs caused by fireworks and about 4,500 animals are hurt each year by fireworks and treated for injury. It is not just domestic pets, but wildlife. The *Evening Telegraph* in Kettering asked constituents to raise with me any questions they wanted me to put during the debate and there are several that I wanted to pose to the Minister. One reader suggested that housing association contracts should contain a clause to ban residents from using fireworks. That reader was particularly concerned about the use of fireworks in built-up areas. Another raised the animal welfare legislation and the liability of those who hold family or private firework displays for the harassment, alarm or injury caused to the pets of their neighbours. It would be helpful if the Minister clarified that.

I am most grateful to the Government for holding the debate. It is an issue that will not go away. The evidence from my constituents and the limited statistical evidence we have from Government sources suggests to me, and I hope to the House, that the problem is getting worse, not better, and that the time will soon come when the Government of the day will need to consider a full ban on the retail sale of fireworks.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. This debate must finish at 1.44 pm. Perhaps those hon. Members who are seeking to catch my eye could bear that in mind.

1.28 pm

John Mason (Glasgow, East) (SNP): I will do my best to be brief. We have had a useful speech on the history of fireworks from the hon. Member for Cleethorpes (Shona McIsaac), who is no longer in her place.

I have a couple of personal examples to cite. An older constituent who lives on her own had a firework put through the letterbox of her house. Fortunately, she has a second door, the glass of which shattered. If that door had not been there, I do not know what would have happened. It was a frightening experience for her. Also, I came out of my office last year onto a fairly busy street and there were rockets going horizontally across the road at ground level. Clearly, we have a problem. In addition to parties and anniversaries, Glasgow also has an issue of fireworks when there is a football match and especially when one half of the Old Firm has beaten the other.

I wanted specifically to mention animals and some of the effects that fireworks have on them. The SSPCA, the Scottish Society for the Prevention of Cruelty to Animals, is running a campaign about this. Contrary to some public opinion, the RSPCA does not cover the whole of the UK. As I understand it, the RSPCA covers England and Wales and a completely separate body, the SSPCA, covers Scotland. I like animals—I am not unusual in that—and I hate to see pets and other animals being terrified by the kinds of noise we have to put up with sometimes. My lifestyle does not allow me to own a dog, but both my mother and my sister have them, and I have seen my mother's collie-cross shivering with terror at the noise that has been caused by fireworks.

The SSPCA would certainly call for a reduction in the allowable level of firework noise. That currently stands at 120 dB, yet humans are advised to wear ear protection when exposed to noise above 80 dB. The noise of a typical pneumatic drill measures about 100 dB. We must also consider that a dog's hearing is twice as sensitive as a human's, and a cat's is three times as

[John Mason]

sensitive, so it is no surprise that animals are stressed. The SSPCA has cited the examples of a mare aborting her foal and another who delivered a stillborn foal following a fireworks display held 100 yards from the field.

Two main issues should be addressed. First, I support early-day motion 1981, which was tabled by the hon. Member for Rochdale (Paul Rowen), and calls for the decibel level of fireworks to be reduced from 120 to 97; his party's spokesperson has already referred to that. Secondly, I agree with those who have argued that the availability of fireworks and the length of time for which they are permitted to be on sale should be controlled. As has been said, some improvements have been made, but the permitted time for sales, which runs from 15 October to 10 November, is still very long. One suggested limitation is for the period to begin about a week before 5 November—on about 29 October—and to stop on 5 November; I fail to see why there need to be sales after that date. Having more specific times governing the use of fireworks would help animal owners, including farmers and pet owners, as it would be easier for them to keep their animals inside for that given period. I am not calling for a complete ban, or a complete ban on sales to the public, but I think we could tighten the rules a bit.

Finally, may I just pay tribute to Glasgow city council, which puts on excellent displays every year, and to council officials, and also to Clyde police and fire and rescue, who put great effort into enforcing the existing regulations?

1.32 pm

Mike Penning (Hemel Hempstead) (Con): It is a pleasure to be able to take part in a debate that, for once, I know a fair bit about. I became enormously popular when I became a fireman in Essex; I was invited to so many displays and garden parties on and around fireworks night, because people appreciate how dangerous fireworks can be. Interestingly, I was usually the person who was offered the taper and invited to light the larger, more dangerous fireworks.

The debate has been eminently sensible. If we were to take a poll of my former colleagues in the fire service, I do not think there is any doubt that the vast majority would opt for a ban on sales to the public, but I do not agree. I think we need laws that are enforceable—I shall refer later to the fact that many existing laws are not currently enforced and, indeed, are very difficult to enforce. I also want to talk about multi-launchers, which truly frighten a lot of people.

The Minister said it was safer to have multi-launchers. As he suggested, they can carry from about 10 up to 200-plus fireworks. Multi-launchers are basically incendiary devices that throw explosives—usually Roman candles—into the air, and up to 150 feet for the smaller ones. The problem is that if they are not on a level stand and something knocks them, they cannot be stopped. Even a bucket of water will not stop them; they are designed to work in the wet so we do not lose fireworks night because of rain. I have seen what I call "Herberts" actually holding them against their chest and firing fireworks across a field. The danger in doing such things is obvious to everybody, but there are people who do things like that, sometimes due to alcohol or bravado in front of others. I have seen people firing fireworks down a high street, too.

Does this mean, however, that we have to ban everybody's pleasure because a group of idiots want to play around with fireworks? I do not think so. Instead, I think that we need to look seriously at the legislation. We need to have the data available so that what we do is evidence based, instead of impulse based, as happens a lot of the time, with people referring to cases from "Our correspondence". Our correspondence, however, tends to be motivated by individuals who have a particular feeling about something; but that is often not the general feeling of the entire constituency. We have all seen campaigns where a strong group of people have got together and loads of correspondence comes in, but when we look into it, we see that it represents a tiny minority within our constituencies.

I agree that some of the fireworks that are still available in the shops should not be on sale to the public. We should look at how powerful these multi-launchers are and how many launchers they have, and most of them should be part of displays, not used in our back gardens. We also need to consider the role of retailers. They will say to us that they are doing their level best to check whether the purchasers are old enough—that same argument was used about alcohol sales and now is cited about cigarettes. Last week, the Minister of State, Department of Health, the hon. Member for Lincoln (Gillian Merron), said at the Dispatch Box that she could not impose legislation on proxy sale of cigarettes as it was unenforceable, even though we have that provision for alcohol. *[Interruption.]* I agree with the hon. Member for Solihull (Lorely Burt) that that is ludicrous, and so is this argument on fireworks. A huge amount of proxy sales are going on, when people who can prove they are over 18 buy fireworks in shops and then come out and either give them or sell them to minors. The police need to deal with that. If they say the law is unenforceable, we need to find a way of making sure it is enforceable. I believe it is enforceable, but the punishment must fit the crime. At present, it does not—an on-the-spot fine will not scare these people off. They are earning an awful lot of money by selling fireworks on at a premium to younger people.

Perhaps I am naive, but I was also shocked to learn that fireworks can be sold by post. They can be purchased on the internet, and then they pass through our sorting offices to be delivered. I acknowledge that there is currently an issue with the sorting offices, but the people who work in them need to be protected. We could not send such quantities of explosives through the Royal Mail legally if they were not in the form of a firework. I hope the Minister will stand up and say he will work with his colleagues to make sure such sales are banned immediately.

Ian Lucas: As I understand it, it is illegal to send fireworks through the ordinary post. They have to be sent via specified special delivery.

Mike Penning: For clarification, what is special delivery? There is still somebody walking around delivering something that is likely to explode if compressed. Ignition from a spark is not necessary to make fireworks go off. They can be ignited in other ways, not least by compression.

The point I am making is this: let us not spoil a wonderful tradition that we have had in this country for many years because a minority of people are abusing it. Let us encourage more displays. In my own constituency, I shall be at the Leverstock Green village association fireworks display as I am every year, where we raise money for the local community in a safe environment. Let us understand the pet problem, too. I fully agree on that. I have a dog that goes absolutely ballistic at home during fireworks night—very often we will make sure that we have the means to pacify him available at home—but, by the way, he goes mad when there is thunder and lightning, or when the postman comes, or when a million and one other things happen.

Shona McIsaac *rose—*

Mike Penning: I will not give way, as I am short of time. We cannot eliminate the fact that there will be noise out there.

I was at a public meeting in my constituency on Friday evening, where we were discussing the noise problem caused by traffic passing through one of my most beautiful hamlets on the edge of the Chilterns. The decibel levels there were 105. Therefore, some of the noise levels we are talking about in respect of fireworks are already present in everyday life in our constituencies. I do not think we can control thunder and lightning decibel levels. I would love to be able to control the traffic to get decibel levels down to about 85, which is what I think the legal limit is, but most urban traffic in London might well be above that, and it is certainly above that in parts of my constituency.

I congratulate my hon. Friend the Member for Kettering (Mr. Hollobone) on convincing the Government to have this debate. Very unusually, I disagree with him on this subject, however. Sadly, I think we might end up in the legislative position that he proposes, but I think we should not destroy the great traditions of this great country of ours because of a minority. If we do that, we have lost the battle for the rights of the majority in the country.

1.39 pm

Ian Lucas: With the leave of the House, Mr. Deputy Speaker, I shall respond in general terms in the short time left available. Time will not permit me to respond to a number of specific queries that have been raised, but I shall contact the hon. Members who have taken part in this debate in writing on those issues.

This debate has been extremely valuable, and I have learnt a great deal from the Members who have taken part, some of whom have a particular interest in this area. We all recognise that this is a very important issue for our constituents. I have heard, in particular, the issue raised about the collection of statistics—that is causing concern across the House. I am advised that the reason why they were not collected after 2005 was that for a long period the statistics had remained very stable and the same statistics were being recorded year after year. I have heard what the House has had to say on the matter, so I shall speak to officials in the Department about this issue.

The approach that the Government took to the private Member's Bill in 2003 has led to progress. I believe that the position has improved, but that is not to say that it cannot be made better. This issue needs to be considered by the Government on a continuing basis. I have heard the representations made on the time frames and the dates specified in the regulations. The regulations, as they stand, have made a great deal of progress on the use of fireworks, and for the moment the Government consider them to be doing a good job. We continue to seek to improve the position, which we believe to be much improved, and we will continue to monitor and listen to representations that are made. I close by simply thanking hon. Members for taking part in a good-natured, informative and well-informed debate, and for their time.

Question put and agreed to.

Resolved,

That this House has considered the matter of fireworks safety.

Social Care Green Paper

1.42 pm

The Secretary of State for Health (Andy Burnham): I beg to move,

That this House has considered the matter of the Social Care Green Paper.

Today's debate is another welcome sign of the growing debate about the future of social care; it is a debate initiated by our Green Paper "Shaping the Future of Care Together". I am pleased to say that already this has turned into one of the largest consultation exercises the Government have ever carried out: there have been more than 91,000 hits on the website—www.careandsupport.direct.gov.uk—and more than 17,500 consultation responses received, and 35 stakeholder events have been held across nine English regions, with two more scheduled. So there has already been an enormous level of engagement. That is appropriate, because there could not be more important issues for this House to consider than how we fund social care into the future and how we give all people in this country quality of life and dignity in retirement. After too long on the periphery, this issue is now centre stage. There is a building consensus that fundamental reform is needed soon if we are to secure a fairer deal for older and disabled people.

Kelvin Hopkins (Luton, North) (Lab): Would my right hon. Friend say that the consultation has been genuinely open about all possibilities of funding care, including funding out of general taxation for everybody?

Andy Burnham: I would certainly say that it has been an open consultation and that we have not approached the matter with a fixed view about the future. The consultation put forward three broad options for the future funding of social care: the partnership option; the insurance option; and the comprehensive option. It ruled out the two other options at either end: wholly funding the system from taxation, and, in effect, leaving a free-for-all. Those options were ruled out because we do not believe it would be fair across the generations to ask the working age population to pay for the costs of care today. We believe—this is at the heart of this proposal—that, as was identified in all the King's Fund work, a partnership option involving the individual and the state is the right way to fund social care into the future. However, obviously that partnership can be constructed in different ways so as to achieve maximum fairness.

Mr. Paul Burstow (Sutton and Cheam) (LD): The fact that the Secretary of State is kicking off this debate is an indication of the importance that the Government attach to this subject, and we are grateful that he is here to do that. I attended a couple of the consultation events in my constituency, which were attended by providers of care, people receiving care and various other representatives of those with a stake in all this. Interestingly, at both those sessions the issue of taxation came through as something that people wanted to reinsert into the consultation. Will the results of the consultation accurately report those consultation events that actually vote for taxation to be considered?

Andy Burnham: I can certainly give the hon. Gentleman that assurance. Obviously we want the results of the consultation to be laid open, and I am grateful that he said he appreciated my presence in this debate. Since I took on this job, this issue has been at the top of my priority list. We urgently need to try to build a consensus in this country for the reform of social care. Of course we want all views to be heard as part of that, but there will come a point at which we have to try to find the compromise and consensus option that carries the greatest possibility of securing support in the country. That is the phase that will come after the Green Paper debate.

Ann Clwyd (Cynon Valley) (Lab): Although I realise that the impact of this Green Paper mainly applies to England, parts of it also apply to Wales, particularly in respect of the benefits system. My constituency contains one of the highest percentages of disabled people in the country, and I have received an enormous number of letters from people who are particularly concerned about the withdrawal of disability living allowance and attendance allowance—they claim that that would have a great impact on their lives. Will my right hon. Friend give me some information on that, so that I may pass it on to my constituents?

Andy Burnham: I can tell my right hon. Friend that this Green Paper contains implications for the care system in Wales and for the benefits system there. I assure her that we are working closely with Edwina Hart and her colleagues to ensure that close co-operation takes place. On the question of benefits, I announced last week that we were ruling out DLA for people who are under 65 from the consideration and the modelling in the Green Paper, in order to provide the kind of reassurance that I think my right hon. Friend seeks. People may say, "That was premature because the consultation hadn't ended." We just thought it was a sensible step to take to put people's minds at rest. We have done that, and I shall return to the theme of attendance allowance later in my remarks.

Hywel Williams (Caernarfon) (PC): The Secretary of State just alluded to attendance allowance, which is the other concern of people in Wales. Can he confirm that no consultation specifically on attendance allowance was undertaken, either in Wales or in Scotland, even though the changes suggested in the Green Paper might have a substantial impact in both those countries?

Andy Burnham: It is important to remind the hon. Gentleman that it is a Green Paper on which we are consulting; we are hearing a range of views not only from England but from all around the country—we would, of course, hear representations made from Wales. It is important that people do not say we are not listening and not consulting; we are doing so. Obviously, we are talking to colleagues in the Welsh Assembly Government and the Scottish Executive, and we will continue to do so. I recognise that the proposals have implications for policy elsewhere in the United Kingdom. It is important that we are sensitive to that and that we balance all views when we introduce our White Paper in the new year.

Mr. David Anderson (Blaydon) (Lab): I just want to pick up on the point made by my hon. Friend the

Member for Luton, North (Kelvin Hopkins). Can we be clear that the Secretary of State is not ruling out discussions on the type of model that has been proposed by my hon. Friend—a model that should be fully funded by tax or national insurance? Although that is not one of the options in the Green Paper, will the Secretary of State, as he said, be listening and not ruling it out? If he wants to rule it out, I will go home now and get the 2 o'clock train.

Andy Burnham: Far be it from me to prevent my hon. Friend from getting home this evening. In the Green Paper, we have put forward three options that we believe are the fairest way of funding care in the future. I was going to give some statistics on how the nature of our society will change in terms of the number of working age people in comparison with the number of people in retirement. Those statistics need to be borne in mind by my hon. Friend—I know that he will do so—in considering the fairest way to proceed. Obviously we have a system today whereby people are paying out large amounts to fund their care. They are already making a substantial personal contribution to the cost of their care. In my view, it would not be honest or straightforward to give the impression that we can fully fund a care system entirely from general taxation. We have ruled out that option, and my hon. Friend has good time to get up to King's Cross.

Jeremy Wright (Rugby and Kenilworth) (Con): I understand, of course, that a large part of this debate will be about how we pay for care. However, does the Secretary of State agree that it is equally important to talk about what we are paying for? I welcome entirely what the Green Paper says about standardised assessments. Multiple assessments are not only wasteful financially but extremely distressing. Will he also address commissioning in his speech, and whether or not we are commissioning the right things at the moment? It seems to me—he might agree—that there is far too much commissioning for tasks and far too little for good quality care overall. Does that not need to be a large part of this consultation?

Andy Burnham: I could not agree more with the hon. Gentleman. He tempts me back to the substance of my remarks. I do not want this debate to be conducted with a sense that it is simply about funding what we are doing already. We have to consider care and support in the context of reshaping services around the individual so that health and council staff work in a much more integrated fashion, supporting people at home and keeping them out of hospital. That is at the heart of the vision, and I shall come on to discuss it, but the hon. Gentleman is absolutely right to say that commissioning is at the heart of it. Once we have explored the funding, we come to delivery and how best to achieve the kind of services that we want. This is about a vision for the future of social care, and I agree with him entirely.

Kelvin Hopkins: I thank my right hon. Friend for giving way again, and I want to address this funding matter again. I have spoken on many platforms, suggesting that care should be fully funded from taxation. I have not had a single person disagree with me; they all think that would be the sensible and fair way to do it, just as with the national health service.

Andy Burnham: The crucial issue is whether my hon. Friend has spoken to all people across all ages and whether he has spoken to a representative sample of the whole population. The idea might be more appealing to older people, who might find it an attractive option, but less appealing to people in their 20s and 30s who are struggling to get on to the property ladder. We have to take a view across the entire population and to consider what will be fair to all generations and sustainable in the long term. That is the consensus that we are struggling to find. If my hon. Friends want to make strong representations to me about reconsidering this matter, we will listen. However, I think the King's Fund was right to say that the best chance of finding consensus rests in the notion of partnership between the state and the individual.

The "Big Care Debate", which began a national conversation about social care, ends on 13 November and I urge Members on both sides of the House to make one last push in their constituencies to encourage people to contribute and send in their views.

Only a few days ago, we were reminded why this debate is so important. The recent population projections from the Office for National Statistics tell the story of how quickly Britain is ageing. By 2033, the ONS suggests that the number of people aged 85 will rise from 1.3 million to 3.3 million, while the ratio of working age adults to pensioners—the so-called dependency ratio—will drop below three. Parallel to that, improvements in medical treatment are extending the lives of those with disabilities or long-term conditions. That all points to the exchanges that we were just having about the affordability of any system in the long term and, in particular, the ratio of working age people to those in retirement.

Angela Browning (Tiverton and Honiton) (Con): In the context of the figures that the Secretary of State has just announced, when he considers the results of the consultation will he pay particular attention to the fact that as the population gets older, and given that older people have a higher level of dependency, so, within families, do their carers? Increasingly, pensioners are looking after even older pensioners who are their dependants. He cannot ignore that, because the strain on older people in a caring role is very great.

Andy Burnham: The hon. Lady makes an intelligent and important point. That is the nature of how the world is changing. People in their 60s and 70s have caring responsibilities, which place considerable stress and strain on them. My parents' generation is perhaps the first generation to have seen that and to have had caring responsibilities for children, grandchildren and, at the same time, parents. That places very considerable pressure on some people. As I was saying to the hon. Member for Rugby and Kenilworth (Jeremy Wright) a moment ago, any system needs to rethink how we provide care and support so that it helps people to cope with that pressure by providing support when they need it, when it is most valuable to them, and so that it makes the life of being a carer more tolerable than it is today. This does not mean replacing or sidelining the role of carers; the only way that the system we are talking about would work would be if we did a better job of helping people cope than we are doing today. That would be crucial in helping us to face the demographic challenges of the future.

Mr. Burstow: Earlier this year, the Government announced a very welcome injection of £150 million for carers over two years. In a debate that we had earlier this year about carers, I asked the Minister of State, Department of Health, the hon. Member for Corby (Phil Hope), how we could track that money. He quite rightly urged me to go back to my constituency and ask those questions. I did and I finally received a letter yesterday—three months later—to tell me how the money was being allocated. I was told that because the money was being allocated through general growth, specific plans had not been drawn up to spend it on caring activities. My concern is that the £100 million that comes next year will go the same way—it will just be rolled into general spending and will not particularly benefit carers. What can be done to ensure that it gets to carers?

Andy Burnham: We are issuing guidance on how to commission appropriate services for carers, but I recognise the issue that the hon. Gentleman is raising. The Princess Royal Trust has done some good work on that issue. There is a balance to be struck. The hon. Gentleman and his colleagues on the Liberal Democrat Benches have sat there and lectured us many times about being too top-down, on ring-fencing too much and on target-setting too much. They say we are taking away local discretion and how disgraceful that is, but then the hon. Gentleman says that if we allow too much local discretion, local bodies do not do what we want. There is a balance to be struck. The Government allocated this money because of the importance of the issue, but I stress to the hon. Gentleman that although I and the Minister responsible for care services, the Minister of State, my hon. Friend the Member for Corby (Phil Hope), have a responsibility to ensure that our objectives are met, it is the responsibility of Members of Parliament to challenge primary care trusts if they are not commissioning services in the expected way.

I was speaking a moment ago about people living longer, particularly those with disabilities and long-term conditions. The life expectancy of people with Down's syndrome is just one illustration of that. Just after the war, a child with Down's rarely survived into adulthood. Today, it is possible for them to live well into their 60s and, with the right support, to enjoy a full and rewarding life. What a wonderful sign of health and human progress that is, yet the sense of a world transformed brings into sharp focus the challenge ahead for social care.

It has been remarked, quite fairly, that if William Beveridge had sat down today to develop the welfare state he would have put social care at the centre rather than the periphery of his plans. More than 60 years after the birth of the NHS, it is worth reflecting that the same unfairness that originally drove Nye Bevan still exists in social care today, and it is this: people with the greatest needs are paying the most; the services that a person receives vary markedly according to geography; and what an individual spends on their care is only loosely linked to their ability to pay for that care.

Hon. Members will appreciate that the spectrum of care costs is extremely wide. About one fifth of people can expect to need care costing less than £1,000; for another fifth, the cost will be in excess of £50,000; and, for a smaller but growing proportion with very high needs, particularly those who develop dementia, the cost can run into hundreds of thousands of pounds. That is a cruel lottery, and the fact that people born after the war, the first real property-owning generation, will soon enter the care system only intensifies the need for change. We could see unfairness played out on a far greater scale over the next 20 or 30 years if we do not make changes to the care system today.

It is therefore no exaggeration to say that the Government's Green Paper "Shaping the Future of Care Together" is a Beveridge moment for social care. It is a chance to rebuild the social care system from first principles and to raise our ambitions for care and support in the future. One of the main messages that I should like to communicate today is this: in the time that this Parliament has left, one collective responsibility is to build an unstoppable momentum for legislation on social care in the next Parliament.

Kelvin Hopkins: Does my right hon. Friend agree that at the heart of the Beveridge plan was the principle of universality? It was also at the heart of national health service planning. However, what my right hon. Friend talks about is not universal.

Andy Burnham: My hon. Friend should study the Green Paper, which talks about the creation of a national care service that will include universal entitlements to assessment, reablement and other services. People will be entitled to have some of their care needs met.

Social care was outside that original consensus, and for that reason has always been a partnership involving the individual, the family, the community and the state—all of them playing a role in the provision of support. Care has always been provided on that basis, but the purpose of this exercise is to ask, "Can we find a fairer way that spreads the costs and the risks across us all and is a collective system that provides more peace of mind for us all?"

Jeremy Wright: The right hon. Gentleman mentioned that the issue will effectively be a problem for the next Parliament. Regrettably, it has come before this Parliament at its end rather than its beginning, but we are where we are. He mentioned dementia, and he knows that that is growing as fast as, if not faster than, the other problems that he has described. He knows, too, that people with dementia are among those who are particularly affected by the mismatch between the quality of the services they receive and the amount of money they pay to receive them. One reason is the lack of training for those who provide dementia care. May I commend to him the report of the all-party dementia group, which I know his colleague, the Minister of State, the hon. Member for Corby (Phil Hope), has seen? I hope that the right hon. Gentleman will include it in the Government's thinking on the improvement of social care more generally.

Andy Burnham: I know that the hon. Gentleman chairs the all-party dementia group, and my hon. Friend the care services Minister has just informed me of the valuable work that it does. I must correct what the hon. Gentleman said at the start of his intervention, however. It is not as though we have done nothing, to be fair. The Department of Health has produced a dementia strategy, which has been widely welcomed. Indeed, its preparation drew on a range of voices and outside organisations, and it is an important piece of work. There has been all the work with individual budgets, too.

However, I have said in many speeches—I am owning up here—that politicians have for too long flinched from the debate, because it raises difficult and awkward questions about funding. I am signalling very clearly that that cannot continue, and we have to make care an issue on which the parties lay out their different options. It should feature prominently at the next election, and the expectation should be that if we can agree on one thing it should be this—that we create an unstoppable momentum for legislation in the next Parliament.

On the history of the issue, I note that the royal commission, which the Government set up in 1998, could not find a consensus, but I am clear that we cannot proceed with reforms unless we find a broad consensus across the country. Such is their reach and their importance to us all that we could not implement them with 51 per cent. support for one option and 49 per cent. against, based on the options that my hon. Friend the Member for Luton, North (Kelvin Hopkins) has pushed towards me. Whatever the option, we would have to implement it with a broader sense of fairness and consensus. That is what we are trying to find, but the hon. Member for Rugby and Kenilworth makes a very valuable point, and we take such issues very seriously.

We have to seize the moment; otherwise we face a bleak future in which inadequate budgets are stretched ever more thinly around an ageing population, providing in the process less and less dignity and a worse quality of life in retirement. It is not a very encouraging prospect; in fact, it is very depressing, and that is why we need to act.

The Government's proposal for a new national care service to sit alongside the national health service is the right and radical answer to the mounting unfairness. Under the national care service, people would have the reassurance of a universal system, the security to plan for the future and the knowledge that they would not need to sell their home if they required high levels of care.

There would be a new standardised assessment to end postcode lotteries in the current system, and free information and advice would be available to all, helping people to navigate the system when they are most in need of a helping hand. The national care service would be anchored in prevention and early intervention, with care services working far more closely with the NHS to ensure that people received the integrated support they needed. In particular, reablement—intensive support, helping people to recover after illness or bereavement—would be at the heart of all options.

Mr. Burstow: Will the Secretary of State address an omission from the Green Paper? It is very important that he does so if we are to understand the direction of travel. The omission is means tests on, and thresholds for, the assets that a person would be able to hold before they accessed state support. The Green Paper is silent on that and on whether the Government think that additional new resources would be needed to achieve an improvement in care quality. Will the Government spell out those points in their White Paper?

Andy Burnham: They would obviously have to be spelt out. The Green Paper's approach was to consult on principles, providing not all the details of how we would construct the options, but the principles that fit most closely with the consensus in the country. Under each option, we could apply a more progressive approach, whereby those with more would pay more, or a flat fee and universal approach, whereby everybody paid the same. The Green Paper touches on those questions, and in the consultation we want to draw them out. We have an open mind on those questions.

The current threshold of about £23,000 is a crude cut-off point, and we can do better to give people more peace of mind in retirement. That is what we are working towards, but the question about the extent to which any new system should involve means-testing is difficult. It is not a popular subject among older people, and we need to test people's sense of fairness on building a system with either means-testing or a more universal approach at its heart. We are open-minded on that question, as we are on all questions in the Green Paper.

However, one area in which we have indicated that we will go further is the provision of free personal care for those with the greatest needs. The long-term aim of a 21st century care system should be more people living full and independent lives in their own homes for as long as possible. In that respect, the Prime Minister's landmark announcement of free personal care for those with the highest needs is an important staging post for the type of care service that we want to build. It is an opportunity to start to address the unfairness in the system here and now, and to do so in a way that listens to people's fundamental desire to remain independent and in control of their lives for as long as possible. For me, that does not mean creating new incentives to put people into residential care. In my view, it is no solution to say to people that the only way to protect their home is to go into a home.

I am disappointed that the shadow Secretary of State for Health is not here today, either because he felt it was not important enough or could not find the time. Had he been here, I would have wanted to question him closely on how promoting a scheme that provides help only if individuals go into residential care can possibly hold an answer to the future care needs of this country. Surely the future is about helping people to stay in their own homes for as long as possible and giving them access to the support that makes that possible, not having a system that creates an incentive to put people into residential care. That is a depressing view of the future and an inadequate and flawed response to the challenges that the country faces. Though I welcome the Conservatives' engagement in the debate, at long last, I am disappointed that the shadow Secretary of State is not here to speak up and begin to try to explain how the plans that he has put forward could possibly answer the country's needs.

Kelvin Hopkins: At this moment, people feel pressurised into keeping their relatives at home because they fear losing what may be a relatively small amount of equity to some people, but is a lot to them—and the only equity in the family—if they lose granny's house having been forced to use it to pay for granny's care. That is what is happening. I have come across cases in my constituency of people who are deliberately keeping at home unwell relatives who would be better off in residential care.

Andy Burnham: I certainly recognise the problem that my hon. Friend describes. That is why reform of the system is growing ever more urgent. There has been a

[Andy Burnham]

fundamental shift. My parents' generation are the first major property-owning generation. In the past, people in my constituency, a former mining area, did not own their properties, but today they do. People in their 60s and 70s have bought their homes and now have an asset that they own. They may not have a lot in savings or other assets, but they do own a home. It is important that we create options for the future that are not just about residential care. This is about how to help people, and the people who care for them, by enabling them to enjoy and stay in their own home, and if necessary to pass that home on to the next generation. That is at the heart of the entire Green Paper, which is about doing it better than we are doing it today.

Mr. David Anderson: I share my right hon. Friend's unhappiness that the shadow Secretary of State is not here. Does my right hon. Friend have any idea how much of the £8,000 that was proposed to be put forward as a donation by anyone going into residential care would be kept by the private insurance company?

Andy Burnham: That is why it is disappointing that the shadow Secretary of State is not here. We cannot see how a system that requires an £8,000 contribution to care can possibly be workable, on any basis. Indeed, on the eve of the Conservative party conference the *Daily Mail* had a front-page headline saying "£8,000 to save your home". Two days later, a spokesman for the shadow Health Secretary was saying that "top-ups might be required". The £8,000 figure lasted all of two or three days, yet during the big care debates people have been using it as though it would be the extent of the contribution that would have to be made. We cannot conduct the debate in those terms. People have to be open and honest about the scale of the costs, not put out misleading figures for political purposes that then fall to bits in their hands, and think that they are adding to the debate.

Mr. Nigel Dodds (Belfast, North) (DUP): This issue clearly affects all parts of the United Kingdom and serious issues arise in relation to older folk: we have heard about them being kept in their own homes by their family and I have experience of that happening in my constituency. Many families talk about this problem and want to know when it is likely to be resolved. Can the Secretary of State tell us when there is likely to be an indication of the way forward? In other words, how long are we going to have to wait, because these are pressing and urgent matters?

Andy Burnham: That is why I have put them at the very top of my list of priorities. There is nothing more important than building, first, momentum, and then consensus around reform of the system. I agree that people need to see how this will play out. I have said—I cannot say more than this—that we will have a White Paper before this Parliament is dissolved, and we will then take a proposal to the country on reform of the system. I want to create an unstoppable momentum whereby there will be legislation in the next Parliament. Obviously, I cannot promise that, as it depends on many different things. However, we should, collectively, make it our mission to ensure that the next Parliament legislates on social care. *[Interruption.]* In answer to the hon. Member for Reading, East (Mr. Wilson), we are coming forward with a clear vision of the future—ideas to put on the table. The Labour party created the national health service, and now it has a very clear idea about the social care system. I think that people will look to us for ideas because of our history and what we have done in providing better support for people. The hon. Gentleman is chucking jibes over here, but where are his proposals on how he will make life fairer for older people in this country? Where is his shadow Secretary of State, for that matter?

Our vision for the future is about bringing more support into people's homes—not putting people into homes, but giving them more support, using new technology to the full. The answers are out there already. Many Members will be able to call to mind examples from their own constituencies involving telecare and other technologies, helping people stay in their homes for longer, and personal budgets opening doors and extending choice for individuals and their family. A progressive system of care and support should open up options for people, not close them, and that means embracing new ways of thinking about care.

We must also create a system that empowers and enables carers to cope. The biggest challenge to carers is not the inflexibility of employers but the inflexibility of services. Their contribution must remain the bedrock of any future system of care and support. We must continue the journey started by the carers strategy to ensure the provision of care services is shaped around their lives rather than the other way round, in the same way that child care and early-years support was built to help people to balance family commitments with work commitments. In other words, just as Sure Start supports the child while helping parents to return to work, the national care service can achieve the same end by helping and empowering the individual and the family receiving support.

Let me move on to funding. The Green Paper sets out three clear options and gives the indicative cost that an individual would pay to fund the care service. In addition, we are exploring a number of options to pay for the portion of basic care costs that the state would pay for as part of our proposals. Let me reiterate that we have ruled out any suggestion that disability living allowance for under-65s will be brought into the national care service. There may be a case for bringing together elements of some disability benefits, such as attendance allowance, with social care funding. However, that will be done in a way that guarantees that people receiving these benefits at the time of reform would continue to receive an equivalent level of support and protection under the new care service scheme.

John Mason (Glasgow, East) (SNP): May I ask the Secretary of State what that equivalent level of support will be? Will people get care instead of money? If so, does that not go against what is happening in the Welfare Reform Bill, in which we are trying to give people more money so that they can spend it on the care that they want?

Andy Burnham: The hon. Gentleman makes an important point. We want to place at the heart of the system the control and empowerment that comes from the personal

budgets scheme, in many ways replicating the power and control that comes from direct benefits. People will want to look at the details and decide whether that desire has been translated into any new system, and the test of whatever comes out of the Green Paper will be whether it replicates that direct individual empowerment.

Mr. Mark Harper (Forest of Dean) (Con): The Secretary of State rules out touching the disability living allowance of those under 65 and that is welcome, but he will know that nearly 1 million people over 65 get DLA. His announcement at the conference last week will not have put their minds at rest. Will he say more about whether DLA for those over 65 is covered in the Green Paper proposals?

Andy Burnham: It is important to make the point that the Green Paper is not about taking away from people. The whole proposal is to do things better for such people. The fact that they are receiving that benefit means that they need significant support, and the whole thrust of what we are trying to do is improving the support that we can offer.

We have to live in the real world, and in the current financial climate, we cannot talk about creating a new system of care and support simply by saying that everything should come through taxation. That would not be a sustainable position for the public finances. Equally, it is not sustainable to say that if we are to build a fairer and higher-quality system of care and support, we should not consider the support that we already provide, such as the attendance allowance. The House has flinched from this debate for too long because it raises difficult questions, but if we do that again, we will let down disabled and older people.

Hywel Williams: The hon. Member for Forest of Dean (Mr. Harper) made a significant point about DLA for over-65s, which is paid specifically for mobility needs. Some of those people have capital commitments with regard to those needs, for instance to Motability, which cause them many problems. I appreciate that this is a Green Paper, but we need to make the Secretary of State aware of the complexities that might arise.

Andy Burnham: I take the hon. Gentleman's point, and he will have to test what comes after the Green Paper for such people, whose needs are considerable and who deserve the best support that the state can provide. I am talking about enhancing how we look after those people and doing more for them than we currently can. It is understandable that talk of change is unsettling for people, but I hope that he will help us relay to them the message that underpins everything we are trying to do, which is that this is about significantly improving how we provide care and support, not about cutting things, taking them away or leaving people without the support that they need.

Kelvin Hopkins: What is affordable and what is not affordable is a political choice. I have spoken to many people and explained that improvements might cost, say, 1p on the standard rate of income tax. Everybody has said, "Hooray, we would certainly pay that." People want them to be paid for out of taxation, but my right hon. Friend has made the political choice that they will not be.

Andy Burnham: My hon. Friend must think about not just the here and now but what the country will look like in 2050. The modellers and forecasters predict that by then, there will be two working-age people for every retired person. Today, that ratio is roughly 4:1. Is he certain that payment through taxation is sustainable and fair in the long term? The question of fairness needs to be tested over the long term, and I do not believe it is fair always to go to the working-age population. People expect to pay something towards their care costs, but it is not fair for them to have to pay out catastrophic levels of cost simply because they are struck down by a cruel condition such as Alzheimer's. We are seeking to end that unfairness, but any system has to be realistic and credible if it is to make progress.

I mentioned attendance allowance and the importance of people receiving an equivalent level of support. We must recognise that by strengthening the care service that we provide, we will not only save lives but save money and strengthen communities. Early Department of Health research indicates that a council can save £1 million a year through investment in reablement, about the same from telecare and more by developing alternatives to residential care.

It is apparent that if we can nip problems in the bud—for instance, by giving an older person the support necessary to stop repeat hospital admissions—we can also save money for the NHS. If we reflect on the fact that falls cost the NHS £1.8 billion, there is a significant "invest to gain" argument for better care and support.

That leads me to another important point. Today's debate must go beyond the architecture of local care services or the funding proposals that underpin them. Fundamentally, the challenge that we are discussing today is part of a wider shift—a drive to build a society for all ages, creating an environment and a culture that supports and empowers older and disabled people in all aspects of their lives, at whatever stage.

In social care, a lot of work is under way to break down assumptions that people of a certain age need a certain kind of support. The "Putting People First" agenda— and with it the £500 million investment that has gone into personalisation—is helping move councils away from the "slippers and sympathy" default position towards a system that treats people as individuals and works with them to find the right answer to their care needs. The growth in personal budgets is extremely significant in that regard, and something that I want at the heart of the national care service.

Despite that progress, however, there is still an undercurrent of ageism across public services—a continued tendency to read the age rather than see the person. That must change as this country's demographics change. That is why we have pledged to eradicate ageism in the years ahead, and why I think that it is important that the ban on age discrimination in the Equality Bill will apply to health and social care at the same time as to other sectors—in 2012.

The door is still open for discussion about the finer detail of the national care service, and that goes for my hon. Friend the Member for Luton, North, too. Those listening to the debate will have heard his strength of feeling about the matter. The Green Paper consultation will continue until next month, and the Government are still listening to people's feedback and ideas before developing a White Paper next year.

[Andy Burnham]

The Minister of State has done a superb job in speaking up for social care and carers and in taking the debate forward. He deserves great credit for his work. He and I want to use today's debate to draw out further thoughts from Members of all parties to contribute to the building debate about the future of social care.

I therefore return to the point with which I started. We need to find a clear consensus in the House and a commitment to bold and radical action. If we cannot, we face the depressing prospect of not being able to fulfil the standards to which we aspire for our parents and for ourselves in our later years. We must find a better and fairer way of spreading the risk and funding care in future. I believe that a national care service, built on the principles of fairness and universality, will best serve our ageing society for the future. I hope that we can have a good discussion today on that proposal so that we lay the ground for legislation in the next Parliament.

2.27 pm

Mr. Stephen O'Brien (Eddisbury) (Con): First, may I give a couple of apologies as a courtesy to the House? The shadow Secretary of State is obviously sorry that he is unable to be here to reply to the debate. It has been well known for at least several days that he is in Washington on a visit to fulfil a long-standing commitment to talk to various parties and interests in the United States about health care reform, at their invitation. It is interesting that we were notified formally of the Secretary of State's presence in the debate only yesterday. When I wrote my letter to the Speaker's Office last week, it was to be the Minister with responsibility for care services and I who would debate the matter. The Secretary of State's cheap shot therefore ill befits his office. After the debate, I hope that he will question his private office to find out why he was not informed about the courtesy that was shown last week. It is sad that he raised the matter on the Floor of the House.

Secondly, I am sadly unable to stay for the whole debate. Again, as I wrote to Mr. Speaker last week, I have to be in Stoke-on-Trent by 7 pm for a commitment that has long been in the diary and for which many people have sacrificed their time. I wish to do my best not to let them down. Mr. Speaker kindly agreed that that was wholly appropriate. Most important, and demonstrating our joined-up approach, my hon. Friend the shadow Minister for disabled people will take my place on the Front Bench for the conclusion of the debate.

Before we delve into the detail of the Green Paper, I shall remind the House of the debate's context. We are faced with the challenge of an ageing population, whose needs will stretch our social care services to the limit if they remain unreformed. In the next 20 years, the number of over-65s will nearly double, and the number aged over 100 will quadruple. The rise of dementia—the issue was raised by my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright), who is chairman of the all-party dementia group—will be especially apparent in the older population.

Help the Aged and Age Concern estimate that 2.4 million older people in England have care needs, and 45,000 older people are forced to sell their homes each year because of the rising cost of care fees. Indeed, the hon. Member for Luton, North (Kelvin Hopkins) made that point.

However, not only the elderly depend on social services. Those with learning disabilities such as autism, the blind or partially sighted, and the physically disabled members of our society all have needs that are met through social care. Those who care for the disabled and the elderly also derive a great deal of support from the social services. Carers UK estimates that there are 4.3 million carers in the UK, with one in five carers having to give up work to care. It was disappointing that the Green Paper somewhat pushed those groups into the background of social care reform.

Sarah Teather (Brent, East) (LD): The hon. Gentleman is making a point that I wanted to make, and the same point has been made by my local Mencap organisation. The Green Paper does not acknowledge that as well as the likely increase in the number of elderly people, the numbers of the people with learning disabilities is likely to increase because of increased survival rates. The Green Paper does not recognise that or have any answers on funding.

Mr. O'Brien: I am grateful to the hon. Lady for raising that point, because it was a disappointment that that broad area was not covered in the Green Paper. The Secretary of State referred to the Down's syndrome example, so to some degree he covered it in his remarks, but the hon. Lady is right to highlight that absence from the Green Paper, which was the point that I was making. Mencap and many others have been anxious about whether that is a signal of an absence of commitment in the area, given that most people are focusing on the elderly—*[Interruption.]* From a sedentary position, the Minister responsible for care services, the hon. Member for Corby (Phil Hope), is trying to suggest that that is nonsense, but he may have overlooked the fact that I was replying to an intervention from a Liberal Democrat and that I had not actually accused the Government of anything. He should be a little less touchy and a bit less sensitive about his personal reputation, when what we need is some kind of solution for what is a very pressing problem for many people, across all age ranges in society.

It is clear that a growing number of people in our population interact with the social services in some way, shape or form. I hope that the Secretary of State agrees that our thinking on the issue must be underpinned by the acknowledgment that social care has the power either to make or to break the lives of the most vulnerable in our society.

The Secretary of State asserts, a little presumptuously, in the introduction to the Green Paper that

"this is the beginning of a Big Care Debate".

The Prime Minister calls for a "major debate" in his foreword, despite having issued a similar call a year and a half ago in his speech to the King's Fund, when he said that

"we must now look again at the options for reforming our current system of care and support."

It is therefore perhaps important to remind the Government that the debate has in fact been going on for more than a decade. Tony Blair made—as it turned out—the empty promise to reform the social care system as far back as 1997, when he pledged that older people would not have

to sell their homes to pay for their care. I am sure that that is written in stone in the Department of Health and the Secretary of State's office.

Mr. David Anderson: Does the hon. Gentleman accept that the debate has been going on for much more than a decade? For the two decades before this party came into power, his party dismantled social care, promoted private care and cut billions of pounds from the care budget.

Mr. O'Brien: Rather than getting into a ding-dong dispute about that, I shall just say that I do not accept the hon. Gentleman's underlying point that there were cuts to the budget. However, I accept that there was a shift in approach. Many people were moved out of institutionalised care, particularly elderly people. Often, inappropriate presumptions about mental health problems were made and mental health problems were not properly diagnosed, and there was a move towards care in the community.

There are many arguments on that and it is fair to say, in the light of experience, that to some degree the pendulum went too far, and we are now trying to find a new balance. There is a difference between wanting to preserve people's independence and dignity and their ability to remain in their own homes with a certain quality of life, and wanting to preserve and maintain the dignity and appropriate care of those who on proper criteria need long-term residential care, particularly as they move towards the end of their lives.

Bob Spink (Castle Point) (Ind): Does the hon. Gentleman agree that the assessment of continuing care needs funding is a real problem for people who leave hospital and go into residential care, for instance following a stroke? The Government really need to put out stronger advice and guidance for health authorities to ensure that people's health needs are funded.

Mr. O'Brien: The hon. Gentleman makes a point about health needs, and some 30,000 people are under NHS continuing care, which is of course provided. The difficulty is the assessment criteria and the absence, at the moment, of a sufficient number of intermediate and rehabilitation places, which are especially useful for those who need continuing care, whether in the national health system or as they move across into the social services care system, which is of course differently funded and has different consequences. Above all, if we had sufficient places, it would help to remove to some degree the crisis and emergency aspect that characterises so much of the problem as people try to find an available bed rather than a place in a care home—if appropriate under proper assessment criteria—that is suitable to the person's needs.

The elderly, and all those in need of care, are unlikely to be fooled by any Government who claim that they are setting the agenda on this issue. Indeed, the hon. Member for Blaydon (Mr. Anderson) made the point that this is an issue that has been under discussion for decades. Promising a "big care debate" may sound good, but what people are really looking for is decisive action. As I will outline, my party has made some important decisions, and I hope that it will be recognised that it is the Government—who have issued a Green Paper—who need to be pressed to make decisions, rather than having yet another consultation on a consultation. However, I do not deny that a consultation is indeed taking place.

As for the proposal for a national care service, the Government appear to have plucked the term out of thin air to give the appearance of weight to the Green Paper which might otherwise be absent, because it is so void of practical detail. It is clear that by creating the illusion of a national care service, the Secretary of State—as one might expect—wants to have his cake and eat it. The Government talk of a national care service, but they want personal budgets for individuals and funding autonomy for local authorities, as the Secretary of State confirmed a moment ago. The Government talk of service, but fail to specify exactly what kind of service the public will get for the uncosted £3.5 billion a year commitment. Most worryingly, the Government talk of care, but threaten to cut attendance allowance and DLA for the over-65s, which would deliver a stinging blow to the most vulnerable in our society.

The Green Paper proposals would be more believable if they were locally costed and specific. Instead, the Green Paper waxes lyrical about options for reform without giving the country the road map it so desperately needs. Given that the need for joined-up care services was drummed home no fewer than 40 times in the Green Paper, it is extraordinary that the Government have not felt the need to demonstrate a joined-up approach in their own proposals. Instead, what we have witnessed over the past two months is a quick succession of U-turns and botched announcements.

First, we had the surprise pledge from the Prime Minister himself in his conference speech about the provision of free personal care for those with the highest needs living at home. It is as yet unclear how that proposal relates to the Green Paper or where the money to provide that care will come from. The Prime Minister has specified a sizeable commitment of £670 million a year to provide 350,000 people with the highest needs with free home care, and the Secretary of State described that a few moments ago as a "staging post". But his Ministers were unable to answer our inquiry about which budgets that money would be taken from and how the figure of 350,000 individuals had been reached, as recorded in *Hansard* at column 809W on 13 October 2009.

Can the Secretary of State clarify the connection between the announcement by the Prime Minister and the Green Paper, and can he offer any further insight into the funding of the Prime Minister's pledge? There are still no details of the Prime Minister's policy on the Department's website. That, in itself, is of some interest, because any of us who take an interest in such care issues will have been struck by the Secretary of State's effusive response to the Green Paper, compared with the somewhat taciturn reaction to the Prime Minister's home care scheme. No one, however, has been remotely forthcoming about the numbers behind the scheme, leaving everybody questioning where the money will come from.

Given the Secretary of State's exchanges with the hon. Member for Luton, North, who is no longer in his place, it is a little odd, and inconsistent, that the Prime Minister's scheme is to be funded—so it is claimed—through general taxation. However, the Secretary of State said that it is not possible in such areas to consider general

[Mr. Stephen O'Brien]

taxation as an option for what has been proposed under the scope of the Green Paper. That inconsistency needs to be clarified and explained.

The Secretary of State seemed to take his cue from the Prime Minister's new-found spontaneity last week. The former announced out of the blue that, rather than dissolving the disability living allowance into local authority budgets, as the Green Paper had implied, he would keep the DLA. That was in spite of the statement made early last week in the other place by the Under-Secretary of State for Work and Pensions, the noble Lord McKenzie of Luton. He said that the Government were looking at "all disability benefits" for dissolution into the national care service.

Will the Secretary of State clarify whether the attendance allowance will stay or go? He did not do so when he was on his feet a few moments ago. This point is exercising many people in all parts of the country, and not just in England.

Angela Browning: Is my hon. Friend as concerned as I am about another benefit—in addition to the ones that he has mentioned—on which I have received requests from constituents: quite an old benefit called the severe disablement allowance, which is still recognised? It is usually a lifelong benefit for people with lifelong learning disabilities. Is that, too, on the table?

Mr. O'Brien: I am most grateful to my hon. Friend, because that could impact greatly on those in receipt of the benefit. We require clarity because we are dealing with people who have arranged their lives completely, having often struggled to have their needs recognised, and who now need to know that that level of support will not be removed. We need clarification, therefore, on the attendance allowance and certainly on the SDA.

If the Secretary of State has decided to axe those—he sought to suggest that there would be an underpinning guarantee, but again he did not specify how it would be put in place—what measure does he intend to take to protect the care of those most dependent on the allowance? His U-turn on the disability living allowance has come as a welcome relief—I do not deny it—to many with disabilities. It was much needed because there really was distress. It also came as a welcome relief to their carers and advocates. However, the Government continue to keep people over 65 in the dark about whether their DLA will be under threat and whether the attendance allowance remains under threat.

If the Secretary of State wishes to offer an explanation, I will be more than happy to take an intervention. Otherwise, it must be taken that there is no guarantee that the DLA will remain for those over 65. His decision to discard some of the benefits is bafflingly contradictory. He claims that he wants to give more responsibility to individuals through personal budgets, and yet he takes this responsibility away again by threatening to cut disability benefits. How can we move towards a more personalised care agenda if he is not prepared to trust individuals with benefits designed to offer more choice and control over the services that they receive? That is fundamental to how we need to move forward.

To be clear, I say officially, as it were, from this Dispatch Box that we have said that we will oppose any plan to cut and redistribute attendance allowance, because in our view it is not the way forward. Unlike the Government, who are trying to create the impression of a national approach to social care, by nationalising it in effect, we believe that personalisation is the right path to take. Attendance allowance is one way for people to commission informal care services. If we were to back the Government's approach, more and more of those informal care arrangements would have to be made formal through local authorities. That would be costly and restrictive for those at the receiving end of care. Although we will continue to examine the evidence, a retreat back to the state as the sole provider might restrict the flow of funding into front-line care. In a society where individuals are often the experts in their own care needs, that would surely be a step backwards.

On top of those concerns about disability benefits, older people continue to worry about whether they will have to sell their homes to pay for their long-term care. That is a feature that Tony Blair himself mentioned in a promise in 1997—a promise that has not been delivered under this Government. Instead, the Green Paper revealed a loose preference for a partnership model for social care, whereby the state would pay for a set proportion of each individual's care fees. It is worth mentioning that the partnership model was discussed in detail in the 2006 review by Derek Wanless—a review that the Government refused to commission and which has been on the table for debate for more than three years. It is only now that the Government have chosen to explore its implications.

I have some concerns about the Government's proposals for a partnership model of care. First, the Green Paper states that

"everyone who qualified for care and support from the state would be entitled to have a set proportion—for example, a quarter or a third—of their basic care and support costs paid for by the state."

However, there is no guidance on how individuals qualify for that subsidy and no firm pledge to provide a specific proportion of funding. In their answer to our parliamentary questions on the issue, the Government could confirm only that there would be no new money involved and that

"Costs would be met from within the public spending envelope set for future spending reviews".—[*Official Report*, 12 October 2009; Vol. 497, c. 758W.]

How can we trust the Government to deliver on reform when they leave the public playing guessing games about the funding of their proposals?

By the Government's own admission, older people want security, dignity and independence for as long as possible. Everyone wants to be able to plan and save for their own care needs, but at present the public stand no chance of being able to anticipate whether they will be able to afford the cost of care. The Government have let our elderly down through their lack of detail. The other serious question hanging over the Government's proposal is their failure to deal with the accommodation and food costs of long-term care. Those hidden costs often prove to be the most crippling for older people, as they move from their own homes to a residential setting.

Andy Burnham: The hon. Gentleman accuses us of a lack of detail, but let me put a direct question to him. Does he still stand by the £8,000 figure that he and his colleagues put forward on the eve of the Conservative party conference?

Mr. O'Brien: I am coming to that in detail. I am sure that the Secretary of State will be pleased to hear my clarification of an absolutely superb policy that is now being much welcomed by those who care to understand it, in contrast to the rather disappointing tribal political ping-pong with which he tried to de-dignify his speech earlier.

It is enough for older people to make the transition to long-term care without having to worry that their most basic needs, such as food and accommodation, may not be taken into account when they undergo a means test.

The Secretary of State has tempted me to move straight on to the next part of my speech. Whereas the Government's Green Paper offers no firm guarantee that every individual will be able to access care in old age, the Conservatives have already placed a large and, I would argue, innovative brick in the wall of social care reform. Our home protection scheme will enable older people to keep their homes and guarantee their care in older age. Our policy will deliver on the promise that Tony Blair made, but failed to keep, more than 11 years ago. We are looking to build on that policy by rigorously examining the options for domiciliary care, so that older people can preserve their independence for as long as possible.

Despite what the Secretary of State said, picking up on some of the rather less informed comment from when the scheme was put forward, let me make it clear that there will be no perverse incentive or adverse selection, because access to residential care via a local authority will be based on assessments of need alone. We will ensure that, as well as ensuring consistency, by putting in place proper national assessment criteria, so the point about perverse incentives is simply not valid.

Mr. David Anderson: Surely that is what happens now. People are assessed for need by the local authority, but when they need to go in to a care home they refuse to, because they do not want to. When the scheme is introduced, there will be an incentive for people to go in to care because they will keep their homes, so if they are assessed for need, they will go in.

Mr. O'Brien: The hon. Gentleman seems to misunderstand that we all agree across the House that, above all other things, older people want to maintain their independence, dignity and so forth as best they can. There are no people sitting out there thinking, "I must rush into a residential care home." It is only when the need requires it that it happens, although the local authority might have no incentive to meet that need because of capacity issues.

Andy Burnham: Will the hon. Gentleman give way?

Mr. O'Brien: I would like to move on. I think that I am about to answer the Secretary of State's question, which I can anticipate, because his questions have so far only been about somebody else's brief.

Andy Burnham: The hon. Gentleman just said that there was consensus that people want to keep their independence and stay in their own homes. My understanding is that his proposal would offer no additional help to people to do that, so how can he stand there and make that statement? The only support would go to people who moved into residential care.

Mr. O'Brien: I was right. The right hon. Gentleman is trying to read out the criticisms that those who are rather embarrassed that they have not been able to attack our proposal successfully are now trying to peddle. The truth is that I am about to come to that very point.

Let me just make sure that the home protection scheme is understood. The whole point is that it is part of the overall approach to care, which has to include domiciliary care, which is not addressed by the right hon. Gentleman's own proposals. The firm guarantee is that our home protection scheme would offer every person the chance to protect their assets and guarantee their care through the option of an one-off payment of around £8,000. All care fees would then be waived for life, should the individual ever need long-term residential care. Unlike the Government's partnership model, this single lump sum, paid for at the age of 65, would cover not only care but food and lodging.

The scheme would also be self-financing, an important factor to consider, given the public deficit. The Government might be refusing to be up front about the funding of their partnership model, but the Conservatives are giving careful thought to the ways in which we can both steward the public finances and deliver long-term care to those who need it. The Government's own insurance model would be priced at £20,000—an unrealistic saving goal for the individual—compared with our £8,000 option, which has been verified by a leading actuarial firm and welcomed by Aviva and the Association of British Insurers. If the Secretary of State wants to study the quotes from the ABI, which has looked at this proposal extensively, I would be more than happy to pass them over to him.

Mr. Burstow: I just want to make sure that I fully understand the proposal that the hon. Gentleman is setting out before the House today. Did he use the term "domiciliary care" in the context of the package that he is proposing? In other words, will domiciliary care be covered by the scheme? If not, how will it be covered? Do the Conservatives have a plan for that?

Mr. O'Brien: If the hon. Gentleman will be patient for a second, he will hear about that. This proposal does not cover domiciliary care. This is to address the Government's failure—

Mr. Burstow: Precisely: it does not cover domiciliary care.

Mr. O'Brien: It does not cover domiciliary care. It covers the Government's failure to honour the promise given by Tony Blair as part of his attempt to get elected in 1997. People are fearful about having to sell their homes when they have to go into residential care, and that is what we have at last addressed.

Let me get on to the other point, which is obviously important, and let me make sure that this is fully understood. The Government's partnership model would require every person who believed that they were in need of care to undergo a means test. Our approach is open to everyone, regardless of their financial circumstances. State-funded care would still be available to those on low incomes, but the majority of people who do not qualify for state-funded care would have the option of guaranteeing that their residential care needs would be

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met at an affordable cost. At present, all the costs of elderly residential care must be met by the individual if they own just £23,000 or more in assets, including the value of their home. Our home protection scheme would enable everyone to access affordable care.

The affordability of our scheme is based on the principle of sharing the risks together. We want to encourage the public to begin to pool their risk of entering long-term care, so that the cost of care for those who need it is lowered. I note that the Secretary of State has now disappeared; he obviously does not like my answer. An analysis of data from the NHS Information Centre suggests that one in seven people will eventually enter long-term care. The Personal Social Services Research Unit has made a series of projections regarding the future cost of care from the current figure of £26,000. An analysis of these data, carried out in consultation with the King's Fund and with actuarial experts, has led us to the premium price of around £8,000.

It is highly unusual, wholly welcome and totally transparent for an Opposition party to lay out a proposal in such detail, and those who have scrutinised it have clearly been unable to pick holes in it. This demonstrates that we have imaginatively addressed a problem that the Government, led by a Prime Minister who never delivered on his 1997 promise, have signally failed to address. That failure has resulted in people with more than £23,000 of assets remaining fearful that they would have to sell everything in order to pay for the residential care that they need.

As has already been said in the debate, when it comes to care, we realise that we need to fight the cause before we reach the crisis. Prevention is always better than costly cure. The hon. Member for Sutton and Cheam (Mr. Burstow), who is just leaving the Chamber, raised the point, so he might have waited for the answer. Everything must be people-focused.

Sarah Teather: Will the hon. Gentleman give way?

Mr. O'Brien: I am answering the intervention by the hon. Lady's hon. Friend the Member for Sutton and Cheam, who has chosen to leave the Chamber at the very moment the answer is being given.

Public health has been neglected under this Government: budgets have been raided and specialist staff have been cut, so they cannot begin to talk of joined-up health and social care services until they view public health as a priority. Under a Conservative Government, a new priority will be given to public health reform. There will be a Secretary of State for public health, and local directors of public health with the power to allocate independent ring-fenced—I emphasise ring-fenced—budgets to make effective interventions across the health, local government and social housing sectors to promote independent living for elderly people.

While the Government want to standardise care through their national care service, we want to personalise it. We have our sights set on two areas of technology where local directors of public health will be able to use public health budgets to deliver support systems to enable people to live independently in their own homes and reduce the need for costly, complex interventions.

Telecare is the key to giving patients and families the peace of mind to maintain an independent lifestyle. It provides them with a technology-based system of local monitoring, which identifies risk and monitors need without the use of costly or intrusive observation. A telecare scheme in north-west Surrey showed that this sort of preventive technology could reduce the number of people entering residential care by 11 per cent. in a single year. In Scotland, a new programme provided to 7,900 older people last year achieved savings of £11 million and significant improvements in self-reported quality of life for both elderly people and carers. For too many elderly people in too many areas, these services are not on offer.

Sarah Teather: I am struck by the hon. Gentleman's comments and my reading of a section of the Green Paper reminds me of some important issues raised by a local Age Concern group in my constituency. It pointed out that prevention is not just about the practical issues, as it is often about emotional support. That is what allows people to live independently. Depression is often unreported in elderly people. Day care services, visiting services and listening ears, with people making face-to-face visits, are just as important as the really practical things.

Mr. O'Brien: I could not agree more with the hon. Lady. Any of us familiar with these issues in our own families are fully aware that the contact of counsellors or other people of good will—perhaps those with some professional abilities not just to be good listeners, but advisers who can hold people's hands through the labyrinthine process of accessing their necessary support and care needs—is just as vital for the mental and emotional stability of elderly people. I understand absolutely the views expressed by that local group and those requirements must be met as part of the domiciliary care package.

That is why, in addition to the telecare that I mentioned, we need to look at home adaptations, which allow people's living environments to be tailored to their care needs so that injuries are prevented and people can stay in their homes for longer. Around half of people over 80 have a fall at least once a year, many occurring in the home. Many of those falls are easily preventable with the right home adaptations in place.

The final important group to consider is carers. Despite the vital work they do in caring for relatives and friends, our carers have suffered from serious neglect. Last year, the Prime Minister himself pledged £150 million for the carers strategy, with £50 million to be disbursed this financial year, mainly to support respite care. Only two weeks ago, as the hon. Member for Sutton and Cheam mentioned, the Princess Royal Trust for Carers reported that up to £40 million of it has gone missing—soaked up in local primary care trust bureaucracy. The Secretary of State's answer is that we MPs should press our PCTs on that, as it is not for him to impose from the top. When central money is being used to spur action, it is vital to know where that money has gone and to have some means to account for it.

The Green Paper makes little mention of carers' needs or the problems of the funding system, so it is time for a change of approach. In his very first statement of Conservative aims and values in a document called "Built to Last", my right hon. Friend the Member for

Witney (Mr. Cameron), the Leader of the Opposition, committed to better rights to flexible working and respite care for carers. Again, it is a matter of giving people more independence and freedom over their use of social services so that we as a country and the Government in office provide public services that are responsive to people's needs and preferences rather than just a "system".

We know that local authority investment in home adaptation primarily benefits the NHS through reduced hospital admission costs and benefits individuals by providing security in the home. We know that NHS investment in telecare benefits local authorities by reducing their domiciliary care costs and enables individuals to have greater involvement in their care. We also want to know why these projects are not being more widely encouraged and promoted. The Commission for Social Care Inspection's final report found that innovative solutions such as joint council-NHS commissioning and the use of personal budgeting were still the "exception rather than the norm".

We will require PCTs to promote joint working with local authorities, which will mean budget-pooling and joint commissioning. When the prize is independence, security and dignity for our elderly population and peace of mind for relatives, the bureaucratic barriers that stand in the way must be removed. That would also help to deliver on the quality agenda mentioned by my hon. Friend the Member for Rugby and Kenilworth in an intervention.

These are the final questions that the Secretary of State must answer. What action will the Government take in response to the consultation that ends on 13 November? When will we see a decisive and realistic route forward? When will the White Paper be published, other than just before the next general election, which must take place by June next year? May we have a specific date? The Green Paper alludes to the creation of another quango, an independent organisation to advise the Government on the provision of care and support. How would that organisation be funded, and what exactly would its role be? When will the action plan to examine developments in the social care work force be published?

Above all—we have often said that this would be very welcome—when will the Government, rather than engaging in what is often rather disappointing ping-pong across the Dispatch Box and elsewhere, invite any Member of the Opposition to go into their office and talk to them, even if it has to be on private terms, as an earnest of the attempts that they say they are making to build a consensus? So far no such invitation has been offered, although we have made clear that we are open to discussion on what kind of consensus might be built. Given that that has worked to a degree in the pensions arena, there is no reason why it should not work in the social care arena, but it takes a willing Government to cease to be tribal and try to build a genuine consensus.

The question facing the public is a simple one. Can the Government be trusted to deliver social care reform that is so desperately needed? The answer is also simple. The Government's threatened actions will threaten the most vulnerable, whereas we will oppose any measures to cut attendance allowance. Their inaction on residential care will loosen the grip of every older person on his or her assets and home, which is a real fear for such people. Our home protection scheme and our plan for home adaptations will offer older people security and certainty in old age. The Government's uncosted proposals place an unprecedented burden on our public finances, whereas we will confront the issues of funding head on. They have chosen to prolong the status quo, whereas we will choose the necessary change.

I hope that the Government will realise that consensus would be better than this, but until they invite us in, we must continue to make our arguments and make them strongly.

3.2 pm

Malcolm Wicks (Croydon, North) (Lab): It is a pleasure to serve under your chairmanship, Madam Deputy Speaker, not least because of your long-standing experience, interest and indeed work in this area.

I want to present a brief analysis of why the issue that we are debating is so vital to us, and why it is so vital for us to crack it in an appropriate way, in the next Parliament at the latest. I also want to make some comments on the proposals in the Green Paper, which I hope Ministers will accept as constructive criticism.

The issue of what we now call social care—whether it involves younger people with disabilities of various kinds or suffering from mental ill health, including schizophrenia, or, as is more common, the care of frail elderly people—is one of those issues in politics which are a matter much more for people's agendas and family discussions than for what we often call the political class. It is far more important than Governments and Parliaments have given it credit for over the past 20 years. Within the extended families of which we are so well aware, there will be extensive discussions and great concern about, for instance, what will happen to a person with Down's syndrome when she is no longer a child but is becoming an adult. More typically, there may be concern about someone with dementia, perhaps Alzheimer's, when residential care looms. There may be serious problems involving mental ill health, often affecting remarkably young men, and I mentioned schizophrenia earlier. It is about time that Parliament and Government got a grip on the issue because people "out there" are concerned about it and are impatient for action. Within that, the financing of long-term care is most obviously the unfinished business of the post-war welfare state. We need to sort this out in the next Parliament.

Much has been said about the ageing of our population. Reflecting on this for the first time in a few years, given other interests that I have been pursuing, I think that there are three trends in terms of the ageing population, not just two. One is the ageing of the whole population. We can cite the ratios between those of working age and those who are retired and we have known about them for a long time. We have also known for a long time about the second phenomenon, namely the ageing of the elderly population. It is not so much an issue about those in their 60s or 70s; they may well be an issue for the pensions debate. But more people are living into their late 70s and 80s, which is why this is a crucial area for health and social care.

In 2008 almost 2.8 million were people aged 80 or over. By 2018, it will be 3.5 million. By 2033, according to Office for National Statistics estimates, it could be as many as 5.7 million people, which will be about 8 per cent. of the population.

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There is also a third trend that we should note: the ageing of the very elderly population. Far more people will now live into their 90s and far more will get the equivalent of the Queen's telegram—given the demography, it could be from the Queen herself—in 10 or 20 years' time. In 2008 there were 97,000 people aged over 95. By 2033—not so far away—there could be 464,000 people over the age of 95, representing about a fivefold increase during that relatively brief period.

We need to think carefully about the "so what?" question. What are the implications? I have always thought that we should not immediately get into a debate about frailty, health care and social care when we speak about demography. We should applaud the fact that we now live in a society in which people will have a decent lifespan. I remember my professor at the LSE, the great Richard Titmuss, writing an essay about why we thought of the "problem" of ageing. The problem, he thought, was when people died in infancy or before they could retire. There is an agrism in society that we need to confront and there is a paradox: as our population grows more elderly, agrism becomes more rife. We need to confront that too.

However, we must acknowledge a grim reality— the correlation, although it is not an inevitable one, between disabilities and illnesses of different kinds and an ageing society. There are different indicators in terms of different conditions and different levels of mental and physical disability. Let me give one indicator in relation to dementia. Research from the Alzheimer's Society, of which I have the pleasure to be a vice-president, shows that there are 700,000 people with dementia in the UK today. Of those, 62 per cent. are thought to have Alzheimer's disease itself but, given the figures I have mentioned and the growing numbers of elderly people, the society estimates that by 2021 the total number with dementia in the UK could be 940,000, or almost 1 million people. The number could rise again to 1.7 million by 2051, and that is one of the reasons why we need to pursue the science and research on Alzheimer's: to see whether, with this illness, as with so many others, the scientific and medical communities can start to make an impact. However, that one indicator shows the seriousness of the issue we are talking about today.

The figures I have just cited mean that in all of our constituencies there will be many hundreds of our citizens with dementias of different kinds. The Alzheimer's Society estimate for my constituency is that some 900 people are suffering from dementia. For those who reach the age of 80 or over, there is a one in five risk of dementia. That illustrates the scale of the problem. That level of risk raises issues in respect of how we insure against this, and gets us into the debate about the financial options, which I will come on to shortly.

There are huge implications for all of us in the demography and the epidemiology of some of these issues. There are certainly huge implications for social policy and public spending. I doubt whether we can seek to constrain public spending in this area over the next five or 10 years; if we are to match the scale of the need, it obviously has to be increased. There are also huge implications for families and extended families, and particularly for those husbands and wives or partners, sons and daughters and all the rest of the family and friends and neighbours who become what we now refer to as the carers.

The Green Paper is an important document, and the fact that the Secretary of State is here sends a signal about the seriousness of the issue it addresses, because, regardless of what it says on the plaque in Whitehall, he is actually the head of a Department of health and social care. That is the reality. For too long, the care bit has been merely one division, although an important one, of a great Department. It is often the big health issues—sometimes crises—that take up all the attention. I am therefore pleased that the Secretary of State is giving so much attention to this other area. My comments are offered in the spirit of constructive criticism, and I am sure that he and his Ministers will take them in that way—although they have not heard them all yet.

The Green Paper makes some important comments on entitlement. It acknowledges a truth that is universally observed by us: there are great variations across the country, from local authority to local authority, in the provision of care. As it says, that is not good enough. We need to move towards a greater system of universal entitlement, so that if people move—as they often do when they are frail—they will not find in the new area a totally different system from the one they were used to. I say that because people do not like the idea of a postcode lottery. In some of our debates on these kinds of topics there is a fashion for localism. I am not against localism in terms of innovation, trying out different things and responding to particular local needs, but in this sphere we need to blend the concept of localism with that of national entitlement.

The Green Paper contains some interesting proposals on assessment. Page 10 states:

> "You will only need to have one assessment of your needs to gain access to a whole range of care and support services."

I welcome that, and I ask the Minister who will respond to the debate to say more about it. How broadly might that assessment range? When I was Minister with responsibility for pensions, based in the building in which the Minister lives and works—I suspect he lives there for a lot of the time, and he certainly works there—we were developing and rolling out the new Pension Service, including, importantly, the local pension service that performs so many domiciliary visits and assessments of not just the obvious things, such as pension credit issues, but energy efficiency programmes and so on. I do not want to push this too far because people need expertise to conduct assessments in the field of social care, but has the Minister been in talks with the Pension Service and the Minister with responsibility for pensions to see whether there could be a more joined-up approach to these assessments? One of the problems in this field is that once the welfare state is introduced into the life of someone with great frailty, there can simply be too many assessments, so could he say more about that?

Hywel Williams: The principle behind the assessments for attendance allowance and disability living allowance is self-assessment, in that the applicant fills in the form. Presumably, any new system would require the involvement of some professional help, so there might be a difference in principle in any new system.

Malcolm Wicks: That is an interesting and difficult point. When people can simply provide information by themselves or with the help of a relative, through a computer, that is often convenient, but a fellow human being will often be needed to assess a situation properly. The Minister will doubtless be able to respond to that point when he addresses my related point.

My second point deals with effective care in the community—or home support. I shall discuss residential care in a moment. We all know—we have touched on this in the discussion about assessments—that we need to address issues associated with housing, which are so crucial in effective community care, with social service support, with health support and with other forms of support. As something of a student of these things, I noticed that the Green Paper says that we need more joined-up working. We all put our hands up to agree with that. It states:

"One way of doing this is through better joined-up working between health, housing and social care services and between social care and the disability benefits system."

It continues rather boldly by stating:

"Services will be *fully joined up* between the NHS and the new National Care Service."

The following paragraph states:

"This does not necessarily need to involve structural change."

I do not believe that it does, but will the Minister say more about that?

I suppose that I am trying to put the Minister on the spot, but I do so seriously. If I had had time, Madam Deputy Speaker—you will be aware of some of this documentation—I would have been able to find similar phrases in important state documents about health and social care going back at least 30 years. I would probably find such statements even in the White Paper on growing old produced by a previous Conservative Government. I know, as a student of this subject and from my ministerial experience, that it is one thing for the civil service to draft such fine prose and for Ministers to recite it—I have done that myself—but it is very difficult to make it happen in practice. This is the old story about the lever being pulled in Whitehall and sometimes our assuming that things are happening in the locality when that is not necessarily true.

There is now lots of super practice of joined-up work, particularly between the health and social services, on which to draw. However, I wish briefly to detail my experience as an Education Minister, when my Government introduced the Connexions service. I remember talking to my hon. Friend the Member for Corby (Phil Hope)—he is a Minister now, but he was a Back Bencher then—about that. I waxed lyrical about the importance of the Connexions service for young people and about how we were going to overcome barriers and join up agencies. Did that happen in the field? Sometimes it did, but often it did not. I challenge the Minister, in a friendly way, to prove to me that his fine prose is not just the usual fine prose and that the Department has serious ideas on how its approach will work in future.

Mr. Harper: I share the right hon. Gentleman's scepticism about how easy it is to join things up. I do not know how much thought he has given to this, but does he think that one way of doing that might be through the personalisation agenda? The Government are in favour of that and my hon. Friend the Member for Eddisbury (Mr. O'Brien) spoke about it forcefully. It is one option, whereby we would make more of the money from different funding sources—from different Departments—go into the hands of the individuals, and those individuals would then spend it. That might be the most successful way to join up effectively the services that they receive and the outcomes they obtain.

Malcolm Wicks: I agree with the hon. Gentleman that that is one way through this. We could use empowerment, by giving more of a say—more of the budget—to the individual herself or himself. Another way through would be to be more radical about trying to pool budgets across agencies. Some such pooling goes on in health and social care. I think that the Cabinet Secretary, Sir Gus O'Donnell, has recently spoken about that happening at a more macro-level, and it is an interesting idea. In other words, instead of public spending simply relating to the Whitehall furniture or the local furniture of Departments and so on, we say, "Here is a larger sum of money than we provide at the moment to crack this problem." We need to experiment with that in the future as we enter difficult times with public expenditure in a range of areas. I want the Minister to comment on this. The issue about joined-up working, which an earlier Labour Government called the joint approach to social policy—everyone has had a go at trying to make it work—is that achieving it is like finding the holy grail. It is very difficult but well worth the effort.

My third point is about carers. We have all acknowledged their importance. There are nearly 5 million to 6 million of them, some caring, I am almost tempted to say, too much. Some are caring almost around the clock—and some for more than 50 hours—until sometimes they drop because the fatigue and stress are too much. I want gently to say to the Ministers that I think the provisions in the Green Paper on the treatment of carers are a bit feeble. It looks to me a bit like they have been added on—when I was a civil servant in the Home Office many years ago, somebody referred to it as "joining up with a staple," although I think that there are now electronic ways of joining up a document. I was disappointed that carers were not more central to the analysis. I know that the Government have done a great deal on carers—more than any other Government—and that there has been a recent statement on the issue, but I would like to have seen the subject more central to the analysis, because the choices about how to provide care and the difficult decisions about residential care are ones that the carer and the wider family have to take as well as the cared-for person.

I am not sure whether the Green Paper mentioned carer's assessments at all—if it did, forgive me, but they certainly were not central to it. I speak with a vested interest as the promoter under a Conservative Government of a private Member's Bill that became the Carers (Recognition and Services) Act 1995—the first Act, with all-party support, to enable the carer to have her or his own needs assessed. That is important and we should have heard something about it in the Green Paper.

On carers, may I also pick up another important issue that is mentioned? Perhaps increasingly—and certainly numerically—lots of carers are workers and employees. We have heard how they might also be parents or

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grandparents. That all adds to the busyness of the life of the British carer. The Government have done a lot in terms of what some people might call the work-life balance—or the employment-care balance—and I urge the Department of Health to push at that door. There will always be at least one other Department, which I know quite well, that will resist that, urged on by certain business interests, but we need to recognise that a modern economy and a modern society have to allow for the fact that people have a dual role as workers or parents of young children while also caring for elderly parents. Some 3 million people combine work and care and I am advised by the statisticians that that is some 12 per cent. of our work force. It is no mean issue.

Finally, I want to talk about the most difficult issue, which is the financing of long-term care. I have referred to it, not terribly originally—others have called it this—as the obvious unfinished business of the modern welfare state. We had a royal commission some 10 years ago, and a minority report was produced. It was an interesting document, but, to be blunt, the Government then parked it in the "too difficult" box. I am pleased that these Ministers are returning to it—[HON. MEMBERS: "Or going."] I see that the Secretary of State is leaving—it is not that difficult an issue. However, I know that Secretaries of State have many things in their crowded diaries. Government and Parliament may have found the issue too difficult, but avoiding it actually left the people needing care and the carers themselves facing difficulties. Some of that care is difficult, and some of the issues that those people face are difficult, but unlike Parliaments and Governments, they have not been able to avoid them for 10 years.

On the Green Paper's analysis of financing long-term care, my assessment is, two cheers for the Green Paper. It advances the debate, and one option could see us through into the future. However, I must echo what one or two colleagues from all parts of the House have said. As a *Daily Mail* columnist might ask, "Why, oh why have you rejected what you call the taxation option?" I simply do not understand. Although I would not advocate a taxation option, I would look seriously at the pros and, no doubt, cons of a social insurance option—or what we now call a national insurance option.

To dangle that option before the public, while talking about its advantages and how many people rather like it, but then to reject it, was, to be honest, slightly strange. On page 116, however, the Green Paper states:

"During the engagement process, many people told us that they thought an NHS-style system, where the full costs of care and support were met through taxation...would be the fairest option."

It goes on:

"This would require a significant increase in the tax... For this reason we have ruled out this option."

Then, unless I have misunderstood the sequence of the Green Paper, it states:

"The advantage of this system is that it would be universal, and would probably be the simplest and most easily understandable way of funding care and support."

It is almost as if two hands wrote that section of the Green Paper, and I am bound to say that I see the cold, grey hand of the Treasury all over it. That option should not necessarily be the way ahead, but it requires serious study.

The Secretary of State talked about Beveridge, but I thought that, for my colleagues who are students of Beveridge, he was getting into trouble. After all, when Beveridge studied the risks and needs facing society then, and the likely risks and needs in the future, he thought that they were essentially insurable. One had a real risk—if I can use the world "risk"—of becoming old, so one needed a retirement pension. There was always the risk of unemployment, sickness and death, so a social insurance system was the fairest way ahead.

I look at those on the Liberal Benches and wonder, "May I refer to Beveridge as the last great Liberal?" *[Interruption.]* I am glad that they are still awake. He was certainly a great Liberal, and my guess is that, if back then the demography was going to mean that huge numbers of people faced frailty, he would have wrapped up care in his social insurance system. I do not really understand Ministers' argument that to do so now would be a burden on employees. Yes, it would, and I understand the immediate argument that many constituents feel they pay too much tax, and that there are burdens. We would therefore have to be careful, but, before we say that employees should not have to carry that burden, we should note that they do so with pensions. Otherwise, the argument would amount to an attack on our pension arrangements. I suppose that national insurance is really how we pay for our national health service, too.

I therefore urge the Government to reopen that idea, as an option, because it is a serious one. After all, the Secretary of State talked about the current economic difficulties, but we are presumably trying to fashion a system that is fit for purpose for 30, 40 or 50 years. Beveridge, in 1942, and those who became the Labour Government in 1945 had the vision and the courage to go for a, no doubt, expensive welfare state based around social insurance—and that was in 1942, when we had some economic difficulties and, if I remember my history, some difficulties with our European partners at that time. So are we really saying that, at the beginning of the 21st century, that idea is too difficult even to consider as a proper option?

Kelvin Hopkins: I very much agree with what my right hon. Friend is saying. I think that Beveridge, or the National Insurance Act 1948, set capital limits on ownership. However, the amount of capital that someone had to have was, in today's terms, absolutely enormous, so it covered only a tiny fraction of the richest parts of the population. If that were applied today, everyone would accept it; the problem is that the capital limits are far too low and affect millions of ordinary people.

Malcolm Wicks: Yes, that is helpful. Going for a social insurance option would not necessarily guarantee universal free care—a proportion could still be affected under the kind of arrangement that my hon. Friend has advocated. If we are consulting and thinking this through for a White Paper, that option should be there on the table.

Hywel Williams *rose—*

Malcolm Wicks: I am happy to give way, but I must conclude soon to let others speak.

Hywel Williams: I am grateful to the right hon. Gentleman. He referred to taxation paying for pensions. This is not just a matter of practicality—there is something

more fundamental to do with that terrible phrase, "cross-generational solidarity." That point is in danger of being lost, I think.

Malcolm Wicks: Of course. Unlike the era of Beveridge and another great Liberal—I am being polite today—*[Interruption.]* I am referring to Lloyd George; this is, after all, the centenary of his introducing the old age pension, is it not? *[Interruption.]* Perhaps we could have a Lib-Lab pact—you never know.

Mr. Stephen O'Brien: The hon. Gentleman is not a Liberal.

Malcolm Wicks: Well, he is a liberal with a small "l".

Unlike that era, we are now, demographically, in a situation where people might not only be retired for 30 or so years of their lives but, because of developments in higher and further education, be in education for 20 or 25 years. The issue that we are confronting is how to afford all the things we want in our social policies—both when people are young and when they are old—given that their working life will probably be only half their lifespan. Therefore, the idea that one way or another we should set aside more money during our working lives, whether through social insurance, private insurance or whatever, to pay for frailty, is not such an extraordinary one.

I want to comment briefly on the two options in the Green Paper. First is the insurance option whereby, if I have understood the proposal, someone would be entitled to a share of costs in return for a one-off payment of perhaps £20,000 to £25,000. I put it to the Minister—it is recognised in the Green Paper—that surely one of the great problems with that is that large numbers of people would opt out. I am not saying that they should opt out, but faced with a situation where they are thinking that it is a lottery with a one in five chance that it might be needed, surely many would do so. The amount of the population insured would then become rather problematic.

The Government's second option is the comprehensive option, of which I am much more in favour. It gets over the problem of people opting out because it is compulsory—let us use the C-word, although some would call it the nanny state. However, if we are serious about an insurance model, we need to ensure that everyone who could afford to pay would do so. Of course some people—ultimately the lucky ones, really—would get nothing out of it because they would not have any debilitating conditions and might die suddenly in their 80s. However, that is a bit like the national insurance system, and I do not feel that I have been tricked because I have not received unemployment benefit. I am rather pleased that I have not, and I look to the good people of Croydon, North to ensure that that continues, at least into the foreseeable future.

I end with three questions for the Minister about the comprehensive option. First, how do we cover younger disabled people, given that this is very much a case of something being triggered at age 65? Secondly, how would it work with different cohorts? I can see that someone reaching the age of 65 might pay a certain sum of money, one way or another, but what about the current 80-year-old—how would it affect her? Would there be some sort of phasing in?

Finally, following the Prime Minister's statement at the Labour party conference, which I welcomed, about free home care for those in the most critical need—I think that was the phrase—can the Minister say more about that? How does it relate to residential care? If somebody was getting free home care during their final months at home, and then the time came when they needed to go into residential care, perhaps for only a few months before coming back home or perhaps for ever, would that free care go with them? If not, would not a new unfairness be created there?

I am grateful to the House for its patience.

3.35 pm

Greg Mulholland (Leeds, North-West) (LD): I am pleased to take part in the debate, and after the rather bad-tempered exchange at the Dispatch Box, I shall make it clear that I was asked speak on behalf of my party today and am very happy to do so. I am not apologising for anybody, and I will be here for the beginning, middle and end of the debate, although I might pop out for a cup of tea a little later if permitted.

Here we are once again talking about the hugely important national issue of social care—talking again, rather than discussing concrete policies. Therein lies the frustration with how it has been handled over the past four years and indeed over the past few Parliaments. I will say one thing for the Government, which is that the Green Paper process and the current consultation process are entirely the right way to deal with this complex issue. The problem is that now is entirely the wrong time to put that process in place.

Much is made of the well known conference speech by Tony Blair in 1997, but even more significantly, on 4 December that year the then Secretary of State for Health, the right hon. Member for Holborn and St. Pancras (Frank Dobson), in announcing the royal commission on long-term care, said:

> "The present situation cannot go on much longer. People are entitled to security and dignity in their old age, so we must find a way in which to fund long-term care which is fair and affordable both for the individual and for the taxpayer."—[*Official Report*, 4 December 1997; Vol. 302, c. 490.]

Here we are 12 years on, and the rhetoric from the Government is absolutely identical.

Like many people, I like the style and the refreshing openness of the new Secretary of State, but he and the other Ministers have to take it on the chin that this has been a spectacular area of failure throughout the course of this Government's time in power. *[Interruption.]* If the Minister of State, the hon. Member for Corby (Phil Hope), wishes to intervene he is welcome to do so, but it is extraordinary that he can sit there and chunter when the Secretary of State himself has acknowledged today that the system is unfair, unclear and ineffective. I would not like to defend this Government's record on care, and I look forward to hearing him do so later.

The Secretary of State is right that the way to deal with this issue is through consensus, working through the complexities and building a coalition across the political divide and with the many organisations that do wonderful work for older people, those with certain conditions and others. It is right to bring them together in a consultation about what should happen. However, the Government are now simply saying that that is a

[Greg Mulholland]

matter for the next Government, and that the current process is about obliging the next Government to act. That is disappointing and unacceptable.

We have to accept where we are and the fact that there has to be a move towards a form of consensus, because this is such a difficult issue. I regret the announcements by both the other parties of their partial policies that do nothing to take us forward to that consensus. Let us consider the problems—again, the Secretary of State gave an honest description of the failings of the current system and the reasons for change. The system is clearly underfunded, patently unfair and so unclear that, in many cases, people are not sure to what they are entitled or how to claim support and care.

The quality of care in the current system is variable and, in some cases, unacceptably low. Too many older people who could remain in the community cost-effectively are admitted to residential care against their wishes. There is concern about the unfairness of a system in which eligibility rules for free NHS continuing care are not applied consistently even throughout England, never mind Wales and Scotland, leading to a postcode lottery—I do not like the term—for those with intensive needs.

John Mason: Is the hon. Gentleman suggesting that we should have a uniform system across the UK, under which everybody gets exactly the same and there is no local decision making?

Greg Mulholland: Absolutely not. I was saying that there is not even consistently adequate care. I think that we all agree that we must reach a stage whereby all those who need care receive an adequate minimum level of care and know what the state will and will not provide and what they have to provide for themselves.

Kelvin Hopkins: Is the hon. Gentleman saying that there should not be a postcode lottery, but a standard that we should all expect, wherever we are?

Greg Mulholland: As the hon. Gentleman probably knows, our policy is to move towards a system—originally derived from Wanless and central to one of the options in the Green Paper—of minimum entitlement, on which people can rely. Beyond that, it is for local councils to retain the power to deliver services, hopefully in a much more joined-up way with local health boards, which will be elected under a Liberal Democrat Government. Moving towards a system of universal basic support, whatever that may be, is central to the Green Paper. The debate and the consultation are about that.

Mr. Harper: Will the hon. Gentleman say a little about his party's view of the personalisation agenda? His comments about entitlement refer to available resources, but the shape of services locally will depend to some extent on individuals' decisions about how to spend their budgets.

Greg Mulholland: We entirely support the personalisation agenda—we have made that clear all along. Services are best when they are suited to individual needs.

I want to mention briefly the important issue that many groups have raised: the potential changes to benefit. I welcome the fact that the Secretary of State has clarified the position on DLA for under-65s, but I echo the worry that that has caused even more concern among older people and older people's groups about the future of the benefit on which they rely. As soon as people hit that arbitrary 65, they are no longer regarded as a carer or eligible for specific benefits—they have to rely on the state pension. The sooner we can get clarity from the Government about that and, indeed, about attendance allowance, the better.

Let me deal with the two policy announcements that were made suddenly during the party conference season. How far from the idea of consultation and consensus could that possibly be? I am afraid that the two policies seemed more like the first pages of election manifestos than a serious attempt by the Government to work within their Green Paper framework. There is nothing seriously wrong with some of the ideas proposed by the Government and the Opposition, but they must admit that the policies announced by both are partial, would help only a small number of the people who are affected in the wide and complex sphere of social care—

Mr. Stephen O'Brien: I never claimed that they did anything else.

Greg Mulholland: Indeed. It is welcome that at least we now have something from the Conservatives, having had radio silence from them for many years, apart from barbed comments across the Dispatch Box. At least they now have a policy to discuss, even if it is criticised.

It is a little rich for the hon. Member for Eddisbury (Mr. O'Brien) to sit there chuntering when all the Conservatives have is a partial policy that would help a very small number of well-off people. Let us be clear about that. The only people who will be helped by that rather odd contribution from the Conservatives are those who can afford to pay a lump sum of £8,000 at that stage. That may help a few of the people who the Conservatives think are more likely to vote for them at the next election, but if they seriously think that that is any kind of contribution to this important debate, it probably would have been better for them to have carried on saying absolutely nothing at all.

Mr. David Anderson: Does the hon. Gentleman agree that the very fact that the Conservatives call their scheme a "home protection scheme" shows where their minds are? Their policy is about protecting the home, not about delivering quality care for the elderly people of this country. *[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. If the hon. Member for Eddisbury (Mr. O'Brien) wishes to make a comment, he knows the way to do so.

Greg Mulholland: The hon. Member for Blaydon (Mr. Anderson) is right. I have heard a lot from the hon. Member for Eddisbury in debates in this House and outside, and it is extraordinary for him seriously to suggest that his policy will do anything on the wider, important issue of keeping people in their homes. I found it extraordinary that when he was challenged on the Conservative policy for the millions of people who need but are currently not getting care, he wandered off and started talking about public health. I do not imagine that I was the only one in the House who was a little confused by that. The Conservatives might think that announcing that they will have a Minister for public health is exciting, but it has no relevance to today's debate.

The Green Paper and the Prime Minister's speech are regrettable announcements. Of course it is important to deal with those who have the most critical needs, as the Prime Minister said in his speech, but the Government must also acknowledge that people with lesser needs all too often miss out because of the pressure on local councils, which have to change their eligibility criteria.

I welcome the fact that the first substantive Government policy announcement on the issue since the Green Paper commits new money. It is not a huge amount, but it is reasonably substantial. If we are to have a consensus, for which the Secretary of State stressed the need, it must start with one very simple premise: there must be more Government investment and money. We can discuss how much that should be and of course, in the recession, we should talk about how much the Government can afford—to echo the comments of the hon. Member for Luton, North (Kelvin Hopkins), we should talk about priorities and overall Government spending commitments—but any serious policy to deal with this important area of care must commit new money. I welcome the fact that the Government have at least done that, but I wonder whether that will be all that is included in the Labour party manifesto at the next election.

The Liberal Democrats acknowledge that there is a need for more investment. Any policy that does not deal with that is simply not credible. I look forward to seeing whether the Conservatives acknowledge that too, because all the experts and reports, including Government reports, and all organisations involved, stress that there must be more investment. Any party that does not do that—Help the Aged and Age Concern have said this explicitly—is not a party to which older people should turn.

Other hon. Members have mentioned the important subject of carers. I cannot put it better than the right hon. Member for Croydon, North (Malcolm Wicks) when he said that the mention of carers in the Green Paper is a little feeble, and that carers are not at the core of its approach. I accept that it is a cross-departmental issue in the sense that theoretically carers and their benefits come under the remit of the Department for Work and Pensions, and that this is a health debate, but we need more joined-up thinking to recognise the extraordinary contribution that Britain's carers make. It is too awful to contemplate what would happen to many of those in need of social care without the contribution of those millions of people, many of them elderly themselves. It has been estimated that the annual contribution to society by carers is worth more than £87 billion—more than the entire NHS budget—but carer's allowance is still at a level that does nothing to recognise that contribution or the loss of income that carers often face because they take on those responsibilities.

While there have been some important local initiatives—I have had the pleasure of visiting many of them—not enough support, advice and respite is offered to many carers. I reiterate the point made by my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) about the real concern that the £150 million earmarked for carers is not getting through. I ask the Minister to look at that and provide reassurance that the money is getting to the people whom it is designed to help.

I also wish to raise the issue of personal expense allowance. The Conservatives have talked about this issue, and it is important, because we do not want people to have to sell their homes and we must do all that we can to support people to live in their own homes. However, we must also ensure that people in residential care have a standard of living that allows them to live out their later years in dignity, as we would want our own relatives to be able to do. The expense allowance is not currently set at a level to allow that, and that needs to be looked at.

As a member of the all-party parliamentary group on dementia—the chair of the group, the hon. Member for Rugby and Kenilworth (Jeremy Wright), is no longer in his place—I could not end my comments without raising that issue. There is a real crisis, given the number of people who suffer, and will suffer, from the set of awful conditions that come under the dementia umbrella; it is forecast to rise to more than 1 million by 2025, which is not very far away. It is frustrating that the Green Paper is not clear about how much the focus will be on dealing with the particular and additional care needs of those who suffer from forms of dementia and their families, many of whom are carers themselves.

Over the last year or so, I have been pleased to work with the Alzheimer's Research Trust and the author Terry Pratchett to call for more research into dementia. I appreciate that that comes under a different Department. There are real possibilities if we invest significant money in preventing some of those conditions, especially if more people can be enabled to carry on living independent lives. I ask for more joined-up thinking on the approach to dementia, so that more research is at the heart of the overall process, as well as a focus on the care needs of people with dementia.

I, and my colleagues on the Liberal Democrat Benches, fully accept that we need to work together. I made my criticisms of the Government at the beginning of my speech; but now it is important to move forward. Whoever the Government after the next election—be it a Liberal Democrat one, a minority Labour one or possibly even the Conservatives in coalition with the nationalists, to which I think the right hon. Member for Croydon, North alluded—from next summer they will have to make this an absolutely top priority as part of their programme for the next Parliament. We do not want to go into the election after next with people saying, "Yes we will do wonderful things in the future." We have had that for the past 12 and a half years.

We need a consensus and to start by agreeing that any reform, however funded, must involve increased Government investment. We need a fairer and clearer system that is easier for people to access and understand. We need a complete overhaul of the care system in this country. We need a system that will ensure support for those who currently are not getting it even though they need help—unfortunately, many are in that situation. We need a system that does not punish people for saving and being thrifty throughout their lives. We need a system that means that people are not forced to sell their homes in the way that too many are still forced. We need a system that is focused a little more on preventive services.

Mr. David Anderson: The hon. Gentleman has laid out a plan with which I fully concur. Will he give me an idea of his party's position on how much such a system will cost the public purse?

Greg Mulholland: As the hon. Gentleman knows, we have committed to a form of the Wanless partnership model, and we are very clear that we believe that that is the right approach for moving forward to a system in which everyone receives an entitlement that they can know and understand. The hon. Member for Luton, North will not agree, but my party believes that both the state and individuals have to contribute. The question for the debate and consultation is by how much. That does not rule out considering increasing taxation; I echo comments that people taking part in the consultation should be allowed to consider that.

We believe that we need a system that supports carers better and better represents their enormous contribution to society. We also believe that we need a system that finally starts to break down the social care and health divide, to which hon. Members have alluded. That is unfinished business in the NHS and the system as a whole, and it needs to be addressed. The Liberal Democrats are committed to a consensus, which is why we did not launch any partial policies at our party conference. We need to have comprehensive solutions that will deal with the system. It will not be easy. We should have been having this discussion two, five or 10 years ago, but we are having it now.

Whoever are in government after the next the election, the Liberal Democrats will play their part in moving forwards to a social care system that, finally, is fit for the end of the 20th century—never mind the one that we really need, which is for the 21st century. In that society, older people will finally be able to live out the remainder of their lives, knowing what their entitlements are, what they can and should receive and where to go for support, and knowing that, whether they are in residential care or their own homes, they will be supported and appreciated by successive Governments in this country.

3.59 pm

Laura Moffatt (Crawley) (Lab): I have had an interest in this subject for many years, particularly as an acute nurse who cared for people who then became well, or as well as they could, and had to return home, but who then often found that the services that they received were not of a standard that did justice to a fantastic NHS.I am delighted that we now have the opportunity to consult with our constituents on how best to move forward on shaping the future of social care.

I decided to trust my constituents. I said, "Why don't we have a conference to bring together carers"—that fantastic band of people who care for others—"and those for whom they care?", because they are an important element of this debate. "Why don't we bring them together with those who are in charge of adult services, those who look after people from organisations such as Mind and Age Concern, and social care workers, who do an amazing job, day to day, keeping people in their own homes? Let's gather together 50 people who genuinely have an interest in the debate." I do not care how this debate today came about or why we have decided to have it; I am just very glad that we are having it and that we can raise such matters on the Floor of the House, because I want to ensure that the views of my constituents get through.

I thank my hon. Friend the Minister, who has responsibility for social care services, for the time that he took to greet my constituents and for the care and the honesty with which he engaged with them to make them feel that they were part of the consultation, for we are talking about a Green Paper. That is the important thing that we need to understand, and there are options that need to be discussed. That is why I said that it was important that I trusted my constituents to look at the Green Paper in that light and to consider the options; and, as good people will, they came up with even more thing for Ministers to consider. I would like to put those forward.

I will not reiterate why we are having this debate. We know that the demographics of this country are changing. However, I agree with my right hon. Friend the Member for Croydon, North (Malcolm Wicks) that knowing that most people will live into their retirement is a good problem to have and one that we should celebrate. We need to ensure that that retirement is happy and dignified. That is why I believe that many of the proposals in the Green Paper will secure the future for people.

I thought carefully about how we should try to pull all those thoughts together, because it is difficult when there are 50 lively people in a room who just want to get their views across. We therefore decided to put the questions that were posed in the Green Paper to them, to try to give some structure and a sense of purpose to the meeting. However, there were undoubtedly further issues to be raised. The first question raised in the Green Paper is how we build a national care service. My constituents felt very much that it was important to have a national standard that we can use as a benchmark for how local authorities roll out care in a way that is suited to people. Personalised care is incredibly important to people, but understanding that there is a quality standard in place was crucial to our debate. Indeed, I was so pleased that everyone who spoke knew that we needed to concentrate on the quality of the service.

When I received the Unison briefing on the proposals in the Green Paper, it was interesting to see how much my constituents and carers echoed its views on ensuring that people are properly trained, so that, in whatever service they are in and however it looks, they have the necessary employment laws to back them up and that they receive the education and training that they need. However, that cannot be done on the cheap.

Mr. David Anderson: May I suggest to my hon. Friend that one of the dangers of the personalisation of social care is that people will choose to employ those who have not been properly trained and do not have the experience or knowledge to look after people properly?

Laura Moffatt: I thank my hon. Friend for his intervention. There was indeed a sense of concern about that. Although people were keen to have their own care sorted and to feel that they were in the driving seat, there was also a great sense that we need the Government and the NHS to be involved to ensure standards and quality. In that respect, I utterly agree with my hon. Friend.

When everyone came together at that conference, it was interesting to see a care worker sitting opposite the adult care services manager and alongside a carer as they tried to thrash out how we should create a national care service. It was stunning to see how much agreement there was among those people on how we should move forward. There was a tremendous sense of the future as

they considered the document. One question that was asked was, "What will happen if we are not able to achieve this in this Parliament? Would the system be dismantled in the future? Can we afford to have a sense of hope for a decent social care network and a strategy for the future, or might the system be dismantled?" There is a great sense of insecurity about these things being promised and it being impossible to deliver them, and we need to be able to offer people a sense of security about the future.

Mr. Harper: I think I know what the hon. Lady is alluding to, and I am sure that the Minister will say more about personalisation later. We have certainly always made it clear that we are very committed to ensuring that individuals have control over their services, so her constituents need have no worries. Whoever forms the next Government, personalisation will be very much on the cards and will continue to be part of the forward strategy.

Laura Moffatt: I am grateful to the hon. Gentleman for his intervention. I suspect, however, that my constituents were also worried that they might be saddled with a scheme that would cover them only if they went into a nursing home if they had paid a contribution of £8,000, rather than a system that would cover all people, whatever their needs. I suspect that they will have real concerns about that. I hear what the hon. Gentleman is saying about personalised care, and that is something that the Government support, with all the provisos on quality, education and employment standards set out by my right hon. Friend the Member for Croydon, North. We must ensure that this is done properly; it cannot be done on the cheap. That is why Labour Members are having a proper debate about this. We must ensure that people understand that this cannot be done without a contribution, perhaps through taxation.

In those discussions in my constituency, it was interesting that people really tried to understand the situation. I sincerely hope that we go for a comprehensive system, as that is what my constituents want. They said unanimously that the comprehensive system was the way forward. If they were to choose a method that involved a one-off payment, that would be their choice. They also asked what was going happen about setting up the system now, and whether they could plan for the future. There was a degree of ambiguity involved. Should this be a system in which they could make their contribution by paying a capped social insurance premium over a period of time, or could that be achieved by a one-off payment? I was really impressed by the way in which they held those discussions.

Kelvin Hopkins: I admire my hon. Friend for the consultation process that she has held. If I were to put my view to her constituents—or perhaps to my own—that the best system would be a professional public service, with fully trained public servants employed on an accountable basis, available to everyone, would they not have preferred that?

Laura Moffatt: I thank my hon. Friend for that contribution. I suspect that if that question were put directly to my constituents, they would say yes. They were very pleased about the statement from my right hon. Friend the Secretary of State for Health about the NHS being the preferred provider, in whatever sphere. I suspect that that is true. There will be no elimination of the private sector in health. As the preferred provider, however, there is no doubt that the NHS offers security in the future. There is nothing better than knowing that the system is fully funded. That is why we are having a bit of a strange debate here, as it is all about genuinely looking at what will never be a cheap option, but one that should be fair, equitable and allow everyone access to care without having to sell their home. Even in the short time available during that morning conference, my constituents were beginning to understand how to implement and pay for such a service. That showed me that they believed that the proposed strategy was the right way forward.

I am deeply grateful that one problem has been eliminated from our considerations. I would not have liked standing up to express my concern about the loss of disability living allowance for people up to the age of 65; I am delighted that I do not have to do that now. As we know, there is still a debate about the payment of attendance allowance to the over-65s, but, none the less, we need to continue to consider such important matters.

One great shortcoming that people identified was the lack of information about available services; people felt that such communication should be very much a part of a national care service. Part of the difficulty they identified is that those most empowered with the ability to find out what is available always seem to get it. The service must offer proper outreach; it must be able to contact people and to offer the care. We are asking a lot of this service, to say the least, but I do not believe that we need to be mealy-mouthed about it. This is our opportunity to be bold about social care. If we are going to ask people to make a contribution, the service must, frankly, be beyond anything we have ever known in the sphere of social care.

I pay tribute to those working in social care, because I know that they are doing their very best on constrained budgets. We have already talked about demographics and the fact that people are living longer, which means that more and more care must be provided. None the less, if we give people the tools to do the job they wish to do in the way they wish to do it and in a professional manner, I certainly believe that the service they provide will be incredibly special.

Interestingly, people attending the conference also had a sense that we had a personal responsibility for our own health in older age. They were very keen that social care offered the means to overcome health inequality by ensuring that pensioners had access to health checks and took responsibility for their own health through exercise. I think that that is an incredible change. Very often in the past, I think, the NHS was viewed simply as a giver of care, but that sentiment has changed absolutely, particularly in Crawley where we have the "Wellbeing" programme. That programme offers people the opportunity to exercise, to assess their diet and to enjoy different activities in order to allow them to take responsibility for their own health. We know how much that can prevent ill health later on in life.

The conference was very clear in what it wanted to put to the Minister. He spent a long time with us, but even more points were raised after he left. I could not stop people talking, as there were other things that they wanted to say. They were particularly pleased their points appeared to be taken seriously by the Minister.

[Laura Moffatt]

They are also pleased to know that I have had this further opportunity to press their points to the Minister today.

We are looking at a system that could be fair and it could certainly be the best in the world if we managed to set up a national care service that prolonged people's active lives. That is what the service is in the business of doing—making sure that people keep well and are able to remain in their own homes. There is little point in offering a strategy that helps those who are going into nursing homes when it is undoubtedly the case that the overwhelming majority need to remain in their own homes. That is an absolute given. We must ensure that people can receive the care, help and love that they need in order to remain at home.

We shall have to tackle all those matters without imposing undue stress and strain during what will undoubtedly be difficult years while we put the public finances back in order. Anyone who does not accept that is living in cloud cuckoo land. We cannot offer the world without requiring any contribution from those who would benefit from the service that we are providing, either through taxation or through a system of giving. Either way, we shall have to pay.

When we discussed the issue at the conference, I was a bit cheeky and asked people to say whether or not they were taxpayers. There was an absolute divide between taxpayers and non-taxpayers over who should contribute. I believe that we should consider a taxation system, but that we should also consider how we can help others to make a contribution to ease the burden. It need not be an either/or system.

Kelvin Hopkins: The problem with the taxation system is that it is regressive. If it were made much more progressive, the sort of taxpayers at the conference would not suffer. In fact, they would be better off.

Laura Moffatt: I thank my hon. Friend—I think—for his intervention. I hear what he says.

Without question, my constituents chose the comprehensive system as being the fairest and most equitable. Crucially, they also felt that it was the most sustainable. We know exactly where a system allowing people to opt in or out would lead us. People who wanted to keep their homes would choose to make a contribution of, say, £20,000 in order to do so, leaving everyone else behind. I firmly reject that system, and I am glad to say that my constituents do as well.

We are being presented with an exciting opportunity. I sincerely hope what has been said today and by our constituents will be taken seriously. Today there has been a real sense that we have been given a chance to get the system right. The issue has never been tackled as well as it is tackled in the Green Paper. We have an opportunity to move forward, and to ensure that our constituents, and we ourselves—for I think that, as we grow older, we should declare an interest—enjoy security in old age, along with the care and dignity that older people so richly deserve.

4.18 pm

Angela Browning (Tiverton and Honiton) (Con): I intend to focus on people receiving care in the community rather than on the part of the Green Paper that deals with residential care, because, important though residential care is, it has already been mentioned a good deal. There are aspects of care in the community that give me cause for concern, and I hope that the Minister will cast some light on them when he responds.

Page 97 of the Green Paper refers to the cost of care for people who are disabled early in their lives. It states:

"People who are disabled when they are born, or who become disabled during their working lives"—

presumably, during the early part of their working lives—

"are likely to have lower incomes and so will struggle to meet the cost of their care and support. At present, most people who are in this position will have their care and support funded by the state, because they are on low incomes. We envisage that this would continue."

That sounds very encouraging and reassuring, but the Green Paper seems to contain conflicting information about how people receiving certain benefits would be affected. The Minister dealt with the question of disability living allowance, and I am delighted about that, but we have not yet been told what will happen to DLA recipients aged over 65, or to the people with lifelong disabilities whom I mentioned in an intervention on my hon. Friend the Member for Eddisbury (Mr. O'Brien)—namely, those on severe disablement allowance. Since the paper was published, I, like many MPs, have received correspondence from constituents on all those benefits who have been extremely unsettled by their reading of the Green Paper as to how they as individuals might be affected.

The Green Paper mentions what will happen to people when their services are based on personal circumstances, but also states:

"Your money will be spent wisely and everyone who qualifies for care and support from the state will get some help meeting the cost of care and support needs.

You will be able to get help with paying for your care and support needs, and your money will be used wisely to fund a care and support system that is fair and sustainable."

I can see a slight conflict there. On the one hand, they are being told that their money will be individualised and personalised; on the other, they are told that it

"will be used wisely to fund a care and support system that is fair and sustainable."

That brings me to the initial concern I felt on reading the paper, which is the focus on universal assessment for entitlement to universal entitlements. I would be grateful if the Minister could confirm that I am not misinterpreting the paper. Those people over 65 on attendance allowance think they will lose that benefit, which will go into a pool and the money will then be "used wisely" by a centralised state. The state will transfer the funding through local social services to avoid a problem the paper has not got to grips with: the system of assessment of need by social services. I would like to try to get to grips with it here.

We want to fulfil people's needs as individuals, whether they are the over-65s on attendance allowance, younger adults on disability living allowance, or—as mentioned earlier in the debate—those who have needs but at the moment do not quality for any recognised benefit at all. There are many of them. We all see from our casework young adults who fight to get DLA and quite clearly should get it, but somehow do not tick the right boxes.

Among that group, I would particularly identify people with chronic and ongoing mental health conditions, people on the autistic spectrum and people who do not tick the right boxes at the moment.

Kelvin Hopkins: The hon. Lady talks about ticking boxes. I have had two cases recently in my surgery involving people who have been interviewed by a doctor on behalf of the Department of Work and Pensions and told that they are fit to work when they clearly are not. They have then looked at their form and found that the doctor has lied: the individual has said that they cannot do something and the doctor has put down that they can. Some of the medical practitioners are telling lies when filling in forms.

Angela Browning: I am grateful to the hon. Gentleman, as I was just coming to what is now regarded in this country as a universal assessment of the ability to work. Only this week I have had two cases that I am taking up and which I think are quite appalling. All of us in all parts of the House understand that there are a number of people on long-term sickness benefits who could be assisted to get back into work. In my constituency, a great many want that assistance and want to get back into paid employment, but we must understand that does not necessarily mean full-time work; it may also mean some progression into work that is suitable for them. It is not just about retraining but about a range of other things to enable the individual to take their place, either again or the first time, in the workplace.

Following on from the hon. Gentleman's comments, let me highlight what universal assessment means. There is a lady who has worked full time for many years who has had a mastectomy as a result of breast cancer. Her clinicians say she is not ready to go back to work full time. She has had extensive chemotherapy and radiotherapy. She was required to attend for an assessment, at which she was asked to raise her arms above her head; as she was able to do so, she was told, "Okay, you're ready for full-time work"—with no mention of her possibly being able to go back on a part-time basis. Anybody who knows how draining chemotherapy and radiotherapy are on the system will know this is not just about asking, "Can you raise your arms above your head and start work full time on Monday?" She wants to return to work, but this is about gradually reintroducing her into the workplace. Her clinicians have said she might be ready to go back part time, but that she needs to do this gradually because she naturally gets tired very quickly, but that possibility has been totally dismissed.

Another case I have dealt with is really quite tragic. A young girl in her 20s has had a tumour which has ravaged one side of her face, and she has had to have aggressive surgery to stop the spread of the tumour. She will need at least two or three more sessions of major surgery to help to rebuild her face, following the necessary removal of half of it in order to save her life. This young woman is single. She had her own home, which she lost as a result of being out of work while having this long-term surgery. Thankfully, she has now got a home of her own again. The comments made to her when turns up to these back-to-work interviews are outrageous. They are totally insensitive to a young woman who has gone through what I have described. The interviewers do not seem to take into account the emotional damage done to somebody in such circumstances.

In assessing people's disability and how it impacts on their ability to manage their lives—perhaps with a little, or a lot of, support—we must look at the person as a whole. That is why individual plans and packages can triumph over the concept of the universal standard, where there is a tick box and someone's circumstances might not happen to lead to it being ticked or the person conducting the assessment not seeing the right category printed in terms. Further, I would not be happy for there just to be a list of conditions. As we all know, there are levels in respect of many medical conditions, and individuals can be affected very differently by them. For some, a condition can considerably hamper their ability to look after themselves, whereas others might be able to cope with a little help. This notion of universality therefore worries me enormously, because it means there will be winners and losers, and the losers will be those who are least able to make their case.

Greg Mulholland: I commend the hon. Lady for making her points so very powerfully. Does she agree that there is insufficient acknowledgement both of mental health conditions and the fluctuations of many conditions both physical and mental, and that they are simply not taken into account in current assessments?

Angela Browning: The hon. Gentleman is absolutely right. I am sure the House has become fed up with me going on about these two issues, and particularly mental health and the autistic spectrum. Such conditions do not fit neatly into any identified national criteria. They are very difficult to assess, and because people's conditions can fluctuate, on one day they might pass a test and some might think, "There isn't much wrong here," but they can deteriorate very rapidly, or circumstances can affect them and make them deteriorate very rapidly. I thus find the one-size-fits-all attitude to providing for the most vulnerable in society worrying, and I hope the Minister will reassure me on this. I know that he has a great deal of knowledge of these matters, and certainly of the autistic spectrum as he has taken the Autism Bill through the House with many of us who have an interest in the subject.

I want now to talk a little about those at the other end of the age spectrum: the elderly. I have mentioned my concern about their being denied disability living allowance, but there is another problem in respect of the elderly. I agree that old age is marvellous—I have been to two 100th birthday parties in my lifetime; this has been in the past few years because as a child one did not trot round going to 100th birthday parties—and the fact that people are living longer, which we can all observe, is to be celebrated. However, this is again about balance and a realisation of what comes with really old age.

Frailty, which might not necessarily involve a diagnosis of any particular condition or illness of which everyone is aware, has an impact on the individual. It affects their physical ability and their mental ability. Nobody ever really thinks they are going to get so old that they cannot do things for themselves, so there is a mental impact to consider.

Loneliness has been mentioned, and social isolation has a huge impact on older people. I represent a rural seat, where one sees a lot of this; some people still live in isolated conditions and do not have the usual arrangement whereby neighbours live right next door. In this universal

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system, how are these people who are as entitled—and we are talking about entitlement—to get the right help and support as those who live in the larger, urban conurbations, to be treated as individuals, and how are their needs to be met? When I read the document, I worry that they have not been thought of and that they will get left behind.

I serve on the Public Accounts Committee. The Minister will know that in recent years the National Audit Office has put before the PAC reports on very important subjects. We had an excellent report on dementia, another on stroke services and a more recent one on autism—another one, on rheumatoid arthritis, is coming up. Common themes run all the way through all those reports, but the one that perhaps emerges the strongest is the inability of Government Departments and local government departments to work together when they need to do so—for example, in health and social service. They work in silos.

We have heard a little this afternoon about the need for services to work together to provide a holistic approach for the individual, but I must tell the Minister that that will require more than everybody just standing up and saying, "We need to do this." If there is a need for any national structure, it is in this sphere. A national structure is not about saying, "Fred Bloggs in one part of the country will receive this." I would rather somebody more local to Fred Bloggs decided what he needed, based on how he presents at any given moment in time. If there is indeed a role for national structures, it is for the Government to examine carefully what needs to be done to ensure, from the top, that we have a system whereby Departments, including the Department for Work and Pensions, work together with social services, local Jobcentre Plus branches and the housing departments. All those public sector bodies that can deliver the solution to an individual's needs now require more than just having their heads knocked together. There needs to be an imperative from the top that makes all this happen.

I realise that it is difficult; we all understand about budgets. One of the weaknesses in any system aiming to resolve these problems is that if one puts a little bit of money into this year's budget to resolve a problem at the lower end, be it dementia, autism or something else, people feel that it should have been spent on the "higher" needs. Yet if it is not put into this year's budget, somewhere along the line, perhaps even a few years later, the problem will turn into a massive call on the public sector purse because it will have turned into a crisis.

Let us consider the economic point of view. All the reports that the PAC has seen relating to health have shown a very clear benefit to the public purse to be had from doing things the right way. I know it sounds hard when a politician talks just about the economics, because of course every one of those reports contains the human interest issue; each one deals with the impact on people's everyday lives. When the Minister winds up, will he give me reassurance and clarity on that point? I believe that the way forward, particularly with care in the community, is to have people's needs properly addressed.

I would not want to see the bar being raised yet again for the eligibility assessment, particularly when we talk about how this is to be financed. The bar could simply be raised, which would exclude more people at the bottom in order to provide for those at the top. It might sound a logical argument to provide for the most needy—of course it does, and that has to be done. However, it is quite interesting and surprising—this applies all around the country and not just in my part of Devon—to see how many social services departments settle out of court when, very occasionally, somebody challenges the statutory services through the courts or even starts the process of legal action, in order to obtain their legal rights. That tells us something. It tells us that the authorities know they are not fulfilling their role as they should, properly identifying needs and coming to an agreement to fund a package that will meet the needs of the individual.

Finally, I am a great fan of direct payments. I have some personal knowledge of them within my family, but the way the system has been introduced around the country beggars belief. In some areas, it has been done in the most simplistic way as far as the user of the service is concerned. I will name an authority that I think is an exemplar in this regard: the unitary authority in Bournemouth, which is not in my constituency but is an authority with which I am familiar. When it first set up direct payments, it made quite sure that when people employed someone, all the necessary paperwork and administration were in place and simple to follow. It has a helpline for the people who use the system and the forms are extremely simple and straightforward. The authority did a lot of research and did it before people started to use the system.

If such a thing can happen in one area of the country, why do authorities not share the information with each other? Instead, we have seen some authorities whip away the services from those who were receiving them directly from the local authority before they had decided how to get them on to a direct payment system. It totally backfired and caused the most terrible anxiety to people and their carers.

If we want to take a top-down approach, let us take exemplars of best practice and let the Government make it their business to ensure they are spread throughout the country so that people can see how to do it properly. Let us not have the Government or a national system telling individuals from the top down what is needed in their package or who is going to deliver it. We need that freedom so that people's packages can be tailored to their individual needs. Taking that away from them will be a retrograde step.

4.38 pm

Mr. David Anderson (Blaydon) (Lab): As Parliamentary Private Secretary to the Minister of State, Ministry of Defence, my hon. Friend the Member for Harlow (Bill Rammell), I have had quite a tough week. I have sat through Adjournment debates, statements, an Opposition day debate yesterday afternoon and a Westminster Hall debate. If I stand back from the issues being discussed, I can see that what was really important and what made it a huge experience for me was listening to people across all this House who had true, real-life experience of what we were talking about. They were people who had served in the forces. Today's Opposition Whip, the hon. Member for Ludlow (Mr. Dunne), spoke yesterday about his experience in the reserves—I believe in the naval reserve. Those people knew the real world that they had come from.

I want to speak from my experience as someone who worked as a care worker; 20 years ago this month, I fell into care work by mistake. I had been made redundant as a coal miner, which I had been for 20 years, and I was looking for something to fill my time in the short break before I picked up something else. I went for a 13-week part-time contract at Newcastle city council as a care services driver and 16 years later I left to come and work in this place. But the importance of the story is not why I went there and stayed there. I was fortunate that I went to work in a place that was built by two visionaries: Jeremy Beecham, the leader of Newcastle city council; and a gentleman who is no longer with us, Brian Roycroft, who was the director of social services and, in fact, the leader of social services directors across the country. In the mid-80s, they purpose-built a building in Newcastle called the Minories project, which was constructed to deliver real care in the community. The place was expensive, but it was quality. It included sheltered housing, and the people who lived there had access, as and when they needed it, to staff who worked in another part of the building. It had a respite centre with 16 beds, which meant that over a 10-week period 160 people could stay, giving their families some relief while we looked after them and saw to their needs.

The building had a restaurant that was open to the public, and people over 65-years-old right across Newcastle could go there and meet their old friends. It was a real place that really worked. It had a day centre that was second to none, and we even had our own bus—a 1970s Mercedes bus, which I loved driving. If I live until I am 90, I shall never, ever forget the pleasure that I used to get from driving that bus and seeing a particular old lady called Florrie, who used to look out of the window, with the sunshine in her eyes. The only thing was that she could not see, because she was totally blind, but the look of pleasure on that lady's face will stay with me as long as I live. Memories like that represent the real experience of people who work in care.

I went from being a man working the coalface in March 1989 to being a man standing with a doctor in March 1990, helping to put a prolapsed womb back into a 9[illegible]-year-old lady. It was totally different, but that is the real work that carers have to do, day-in, day-out, 365 days a year. I want to put on the record my appreciation of the work that they do, whether they are professional carers or carers who help their [illegible] or friends. The real joy of that job was the total appreciation that we got from people after doing something as simple as cutting up their food, fastening their laces or helping them go to the toilet—things that we all take for granted, but things that, sadly, they were no longer able to do. But we had to do that work, and it was a privilege to do it.

The great thing that made that building work was that it had a good number of staff. It was a very staff-intensive unit, but because of that it worked. Sadly, however, because it was the early 1990s, we also had to face the reality of the budget constraints that our authority was working under. It was being told that it had to put a price—not a value—on care, and the price of the care that we delivered was, sadly, not in line with the price that the private sector delivered. That is hardly unusual, when we consider that legislation at the time said that there was a £50 disincentive on each bed in a public home as opposed to in a private home. We started off with that loss. If we then consider that staffing and training levels were lower in the private sector, and that their terms and conditions were much lower, we see that it was obvious that the public sector, on a purely comparative basis, could not compete.

We, as an authority, tried to set up an employee share option plan, which would have taken the homes out of direct public ownership and into an arm's-length body that the staff would run. I was unhappy with the plan ideologically, but practically we tried to pursue it. Despite that, the plug was pulled by the then Secretary of State for Social Security. He did not believe that the plan went far enough into the private sector, and the reality was that 25 homes closed in Newcastle and we were left with a rump of four. Home care workers had to pick up the pieces, but at the same time there were too many people to look after. The circle was squared by a change in the criteria for accessibility to care. The criteria for vulnerability and frailty were increased, as was the age level, and people could not access care. Those choices were enforced; they made people such as Brian Roycroft and Jeremy Beecham despair; and they made the staff and the families we took care of despair. So the truth is that, with the piece of work that we are all talking about today, we have the chance to rectify some of those mistakes.

As I said to the Conservative spokesman, the position we reached in the mid-1990s was the result of a programme of 16 years before, from 1979 onwards, when the people of this country made a choice that they wanted tax cuts. The Conservative party delivered those tax cuts, but one cannot give tax cuts and keep on giving quality services—it does not work. If the money is not there, the service cannot be delivered in the way that the people of this country deserve. There was less money to spend, so there was less money to be given out for care services, as well as for other areas.

The policy was also, clearly, ideologically driven. It was not a mistake that care homes were closed—it was direct destruction of the public sector. In the same way, it was not a mistake that public transport was taken away from council ownership and put into the private sector, or that council housing was taken out of the remit of councils. We had two choices back then, and now we have a chance to move forward and make choices in the other direction.

Since 1997, we have seen some improvements. For example, there have been huge improvements in how we look after people at work. The national minimum wage has been a huge positive for people working in the care sector. We now give people guaranteed holidays, people have better maternity rights and paternity rights, and to some extent we have levelled the playing field between private and public sector provision. We have increased resources and support to local authorities and the national health service, and we have supported and developed independent providers. There have been positive changes to training, skills and the registration of staff, so that caring is seen as a professional job.

All that has been important, but it has not been enough. The sad reality is that underneath it all, as the hon. Member for Leeds, North-West (Greg Mulholland) said, we are under-resourced. That is the nettle that we have to grasp, whether we like it or not. My hon. Friend the Member for Crawley (Laura Moffatt) said that care cannot be done on the cheap. In fact, low-cost, nasty,

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inefficient, unsafe and dangerous care can be done on the cheap, but quality care cannot be done on the cheap. We need to realise that.

I am sad that the hon. Member for Glasgow, East (John Mason) has left the Chamber, because I thought that he would engage in a debate about what has been done in Scotland, where the introduction of free care has been accepted. I believe that there have been problems and that there is debate between the Scottish Executive and local authorities about who picks up the tab. The royal commission came up with some positive views. If we, as the United Kingdom Parliament, had taken up the challenge back then, the problems that have arisen in Scotland would not have been an issue. We could have said, "We'll provide for this need across the whole United Kingdom, and we'll do it in a way that avoids these potential problems." It is a shame that that did not happen.

We have a national health service that ensures that someone who is out walking and gets run over by a bus will be taken to a hospital and looked after. But if someone cannot look after themselves, not because they have been run over by a bus but because they cannot go to the toilet on their own, fasten their shoelaces or feed themselves, they are told, "Sorry, you need to sell your house and give us everything you've got except £16,000." I cannot for the life of me see why that is; it is not fair.

This Government, to their credit, went to the people of this country with a 1 per cent. increase in national insurance contributions, directly to support improvements to the health service. I do not recall anyone—perhaps the Conservatives; I am not sure as I was not here at the time—opposing that. The public never complained about it: they said it was a good thing to do, and that was proven. I believe that we should be looking at doing that again. It is nearly a year since we had a 2.5 per cent. VAT cut, which apparently amounts to £12.5 million. Just think—if we put 0.5 per cent. on VAT, that would create £2.5 billion. Perhaps my sums are wrong; if so, someone brighter than me can put me right. That is the sort of mental attitude that this House must have in saying that there are ways to square the circle but they will have a cost.

I want to focus a little on the Tory proposals. I am sceptical, but genuinely interested, and I want to try to work out what the Tories have brought forward. The £8,000 proposal is worth looking at, if taken as a purely mathematical argument. I understand that they said at their conference that if five people pay £8,000, one person gets two years of care out of that £40,000, and the other four will not need it. How many people will have to pay before it becomes effective? Will it be five, 50, 5,000 or 50,000? If people do not buy into the scheme, it will not get off the ground, and what will we be able to do in the meantime? There have also been rafts of reports that the costs are being underestimated as they will be not £20,000 but £26,000 a year, and that the average stay will be three and a half years rather than two. If that is the case, the figures will obviously be inflated.

As I said to the hon. Member for Eddisbury (Mr. O'Brien), I believe that people will go into care earlier in future. When people are assessed now and told, "You should be in care", they say, "I am not going into care". They go into care at the last moment because of the pernicious impact of losing their home and not being able to leave it to their children, which is understandable. In future, if they realise they need care, they will say, "Yes, I will go in early, because my home is now safe". However we square the circle, people will go into care earlier and stay in longer. They will get the care they need at the front end rather than have to go in when they are on their last legs. The average period in care will be much longer.

Angela Browning: If those people were self-funding, would they not be subject to assessment to see whether they needed to go into care? They could not just go in voluntarily without a full medical need to be admitted.

Mr. Anderson: I agree absolutely. They would need medical, social and financial assessments, but my point is that that happens now and people are told, "The best place for you is in care". They say, "I know that, but I am not going in." In future, they will say, "I will go in, because my family is going to keep my home." There will be an incentive, whereas there is a disincentive at the moment because they want to protect the assets that they want to leave to their children. To a certain extent that is why we are having this debate, and the Opposition should bear that in mind and address it. The hon. Member for Leeds, North-West spoke about consensus, and if we are having a genuine debate a consensus has to be hammered out. We need much more data to show whether the £8,000 proposal is a runner.

The proposal is a private insurance scheme. I do not know whether private insurers will be full of the milk of human kindness all of a sudden and say, "We will run the scheme free". It hardly seems likely of a company such as Aviva, which has just announced almost £3 billion of profits. It might say, "We can afford to absorb this; we will do it for nothing", but I doubt it very much.

The crux of the matter is that some people will not be able to find £8,000, some people will choose not to pay it and some will not have a pension lump sum. Why say to someone, "On the day you retire, give us £8,000"? Why not say, "Give us £3 a week for 50 years while you are at work"? That is how we fund the national health service and most of the public services in this country. It is how we should have been funding care for the past three decades and how we should fund it going forward—it is called collectivism.

We have good quality caring staff who put a lot of trust in us to find a way forward for them. That is the whole team—ancillary workers, home care workers, domestics working in homes, social workers and people classed as backroom staff who do the paperwork and ensure that things are right and proper. They need to know that they are in a service worth working in. They are professionals and we need to treat them as such. We need to respect them and reward them in a way that clearly has not happened in the past.

The royal commission reported that we should pursue various things. Ministers said that the report did not get consensus, but I can inform them that when it came out, I was the chair of the policy committee for the trade union, Unison. We set up the right to care group, which involved campaign groups including one of the main ones, led by Claire Rayner, user groups, carers and

workers. The group was clear that the best way to address the problem was for the service to be directly funded by tax. If we had done that then, it would have been embedded in the culture of this country by now and we would not have been having this debate. If we had bitten the bullet at the beginning of this century, the Opposition would have seen the system work and been converted in the same way as on the minimum wage and the other positive things that we have done. We should go for the fully funded option and, if we cannot do that, we must ensure that it plays a huge part in future.

We have been here before and we did not make the right choices. We must now make the right choices—it is the mark of a civilised society. The shadow Chancellor said in his speech at conference, "We're all in this together." The Conservative party's programmes are not about us all being in this together, but about us all being individuals. I believe that we are in this together because none of us knows where we will end up if we are fortunate enough to live into old age. We should provide collectively.

In the past three decades, we have failed to provide for the people of this country. It was interesting to hear the hon. Member for Eddisbury describe how he is trying realise Tony Blair's promises. I lived about 10 miles from Tony Blair for 25 years, though politically we are probably a million miles apart. However, I agreed with him when he said that we are best when we are bold. I say to my hon. Friend on the Front Bench, "Be bold, comrade."

Several hon. Members *rose—*

Mr. Speaker: Order. There is plenty of time left for Back-Bench contributions before the Minister of State winds up, but I hope that the Member who has the floor will have regard to the fact that others also wish to contribute and do not want their contributions to be unreasonably squeezed.

4.56 pm

Mr. Mark Harper (Forest of Dean) (Con): I am grateful for that guidance, Mr. Speaker, and I will endeavour to live by it.

First, I want to say something in response to the way in which the Secretary of State opened the debate. Given that he began with some rather cheap remarks about my hon. Friend the shadow Secretary of State and that he said that the subject of the debate was the most important in his in-tray, it is extraordinary that he left at 3.24 and has not stayed to the end.

On a happier note, I listened carefully to the remarks of the right hon. Member for Croydon, North (Malcolm Wicks) about our ageing society and the comments of my hon. Friend the Member for Tiverton and Honiton (Angela Browning) about the number of people in our society who are over 100. That reminds me that this year on 6 August I had the great pleasure of being invited to the 105th birthday party of my constituent, Mrs. Lily Strugnall, who lives in Hanover court in Cinderford, in a home where her daughter, who is in her 80s, also resides. That provides some interesting lessons about our ageing society. Mrs. Strugnall received her sixth 100th birthday card from Her Majesty the Queen and I noted that this year Her Majesty had changed her outfit. As an interesting aside, someone in Gloucestershire who had received four 100th birthday cards from Her Majesty and noted that she had worn the same outfit in each one wrote to the palace to complain and had a personal visit from one of the royal princes with a revised design showing a different outfit. That shows that the palace can listen to our constituents as well as we can.

Given that I do not have much time and that I want other hon. Members to have an opportunity to speak, I shall focus specifically on the benefits in the Green Paper, to which several hon. Members referred, that cause our constituents concern. The Green Paper mentions attendance allowance, which, according to the Library briefing, is the main social security benefit that goes to people over 65. Although one cannot apply for disability living allowance once one is 65 or over, it continues after 65 for those who are already getting it. It is worth spending a moment on those allowances.

Two rates of attendance allowance currently apply. The lower rate is £47.10 and the higher rate is £70.35 a week. They are significant amounts. I am sure that many who receive them would say that they are not high enough, but they are significant amounts that make a significant difference to the quality of people's lives. They are based on need and not means-tested using income or capital. They are tax free and non-contributory. They are therefore very different in nature from the social care support that one receives through a local authority, which is means-tested. That is one of the reasons for the debate.

Given that the Secretary of State mentioned DLA, it is worth noting that whereas attendance allowance has only a care component, assessed on personal care needs, DLA has a care component and a mobility component. For many people, the mobility component, which under the higher rate is enough to fund a car through the Motability scheme, makes a huge difference. It sometimes makes the difference between a person being independent or otherwise. Will the Minister refer to that in his remarks?

Those benefits are quite distinctive, because if someone meets the conditions and receives them, they can spend the money as they choose. Effectively, it gives them all the advantages of an individual budget. In a sense, attendance allowance and disability living allowance are individual budgets par excellence, because the funds go to the individual, who can then decide how best to spend them. The concern of many organisations and disabled people is that if the allowances were effectively folded into the social care system, the funds would become means-tested, cash-limited and rationed.

My hon. Friend the Member for Tiverton and Honiton gave some examples of how that could be damaging, and I am pleased that my hon. Friend the Member for Eddisbury (Mr. O'Brien), who speaks for the Conservatives on these matters, made it very clear that we are not tempted to go down that road. In the time that the Minister has available, which I know is increasingly compressed, will he dwell on how the proposals to fold attendance allowance and other disability benefits into the social care system seem to be a step in the opposite direction from the welcome moves and his agenda towards a more personalised approach?

We are saying to local authorities, "We want you to assess people and agree on an amount of financial support, and ensure either that they have the opportunity

[Mr. Mark Harper]

to take the money in cash to spend themselves or that you continue to provide the services while allowing the individual to be in the driving seat about what the services look like," yet folding benefits that people already receive and control into the local authority system takes us in the opposite direction. The Minister will know as well as I do that getting the personalised approach working and getting local authorities to adopt it with enthusiasm is not as easy as it ought to be. Anything that takes us in the opposite direction is not to be welcomed.

It is worth remembering that a significant number of people get those benefits. As of February this year, nearly 1.6 million people receive attendance allowance, and almost 1 million people above pension age—65 years—get disability living allowance. If we add those numbers and divide the sum by the number of parliamentary constituencies, we see that every hon. Member has on average 4,000 over-65s who get one or other allowance. That is a significant number of people who may be concerned about the proposals in the Green Paper.

I draw the Minister's attention to what the Secretary of State said at the beginning of the debate. He said that, often, talk of change is unsettling for people, which indeed it is. That is not a reason for not changing something, but the unsettling nature of change is made worse when the Government's intentions are not clear, so will the Minister clear up this matter? On 30 September, in *Disability Now*, he said:

"All the models that"

the Government

"have done have not included DLA…DLA is not under threat and people can be very happy."

On 13 October—just a couple of weeks later—his colleague Lord McKenzie of Luton said that the Government were not ruling out any options. After being pressed a number times, he explicitly said that the Government

"are considering all disability benefits."—[*Official Report, House of Lords*, 13 October 2009, Vol. 713, c. 112.]

However, the Secretary of State told a conference of directors of adult social services in Harrogate that he wanted to close down the controversy over DLA and made it clear that the Government had ruled out any suggestion that DLA for under-65s would be brought into the new national care service. Given that the Minister said that DLA was not being considered, that his colleague in the other place said that it was, and that the Secretary of State implicitly accepted that it was being considered because he ruled it out for the under-65s, I do not think that the Government have been very clear. That is partly why people find change unsettling. They are given mixed messages and they do not know what is going on.

It is also worth asking what would happen to carer's allowance in those circumstances. Some 500,000 people receive carer's allowance, but in order to qualify for it a claimant must be caring for a disabled person. The definition of a disabled person in that instance is someone who receives the middle or higher rate care component of disability living allowance, or attendance allowance—or, in a smaller number of cases, constant attendance allowance paid with a war or industrial disablement pension. If changes are made to attendance allowance, they could have an impact on whether someone is entitled to carer's allowance. The Minister needs to set people's minds at rest about whether the changes in attendance allowance will trigger changes in entitlement to carer's allowances.

Hywel Williams: Many people receive carer's allowances for caring for people who receive attendance allowance, because they need regular and substantial care—more than 35 hours a week—so there would be several knock-on effects on people's income if changes were made to attendance allowances.

Mr. Harper: The hon. Gentleman makes a sensible point that supports what I have said.

Many groups that represent disabled people are very concerned about the proposals and have submitted responses to the consultation. For example, the Royal National Institute of Blind People and Action for Blind People have said that they are strongly opposed to the loss of attendance allowance. RADAR has said that it is

"adamant that no one is giving their mitts on vital extra-cost benefits".

It makes the point that such benefits are designed to help to meet the extra costs of being disabled and needing such care, and that people would lose choice, control and independence if they were removed.

Leonard Cheshire Disability also opposes any moves to take the DLA care component and attendance allowance into broader social care funding. The National Autistic Society is very concerned about the proposals, as is Age Concern. So a broad spread of organisations that work in the field are very concerned.

Neil Buteman, a welfare rights specialist who writes for the website communitycare.co.uk, makes the point:

"The AA/DLA recipient…decides what to spend the money on…the core principle behind Individual Budgets, whereas transferring AA/DLA to social care…would involve extending bureaucratic control over people's lives, undermining the new philosophy of individualisation and choice."

That is exactly the point that I made earlier. The Government need to think again about this change. The Secretary of State has gone some way by ruling out changing DLA for those under 65, but that still leaves more than 1 million over 65 and a significant number on attendance allowance with concerns that have not been allayed.

The issue of devolution and the impact on the benefits system has been mentioned. The very good Library paper for this debate points out:

"Social security is a reserved matter in Great Britain and a single body of legislation applies across England, Wales and Scotland. Any move to change the benefits rules in England alone would…be a significant departure".

That is of especial interest and concern to me, because I represent a constituency that borders Wales. For example, we no longer have a national health service across the UK: we have four different health services with different policies and different ways of dealing with challenges. A national care service would really be an England care service, which would deliver care in England, not across the UK. For people who live towards the southern end of my constituency, in Sudbury or Brachley for example, the nearest town is Chepstow, which is in Wales, and I would not want them to face artificial restrictions on the best option for them because that would involve

crossing a border within the UK. Equally, somebody living in Wales with a service to be delivered in England would be restricted. That would be a retrograde step and not one that we should support.

The Minister knows that I am concerned about that matter, because I asked him a question at Health questions a couple of weeks ago. New information has come into my hands since then. I drew his attention to the fact that there had been a Green or White Paper—I forget which—on this in May 2008 that had talked about the impact on the devolved parts of the United Kingdom and the necessity to talk to the Scottish Government and the Welsh Assembly Government. He kind of indicated that that might have happened. I asked him about it, and I think that he said that those discussions were taking place.

I received a briefing for this debate from the Scottish Association for Mental Health. According to that association, the Scottish Government reported as late as 16 September this year that they had not been consulted about the effect of the policy change on people in Scotland. A paper was produced touching on the impact on the devolved parts of the United Kingdom in May 2008 and the Green Paper before us was published in July this year. Things have been left remarkably late, therefore, given that the Government are talking about publishing a White Paper in the next few months yet discussions with devolved Governments had not taken place as of 16 September.

It would be helpful if the Minister could indicate whether those discussions are now under way—whether at official or ministerial level—or, if they are not, when they will start. If they are under way, will he indicate where they have got to? We must ensure that we do not make changes to the UK-wide benefits system that will affect different parts of the United Kingdom without having had those conversations. That might leave people in the lurch, as my hon. Friend the Member for Tiverton and Honiton suggested has happened in other local authority areas.

There are real concerns about the impact on benefits which affect, as I said, on average 4,000 people in every constituency in the United Kingdom. That will concentrate the minds of hon. Members on both sides of the House as we approach the general election. There are also other issues that have not really come up about the impact on the devolved parts of the United Kingdom. I know that the Minister will be short on time, but if he can at least touch on those points, I would be most grateful.

5.12 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I am delighted that we are having this important debate. The Secretary of State was right when he identified that the matter before us will pose an important challenge in the next Parliament for whoever find themselves in Government. The question is whether we can build a consensus this side of the general election. Although this debate has many threads that could be pulled together to create a consensus, the environment in which we are having the debate—with a general election not far off—probably makes it impossible this side of the general election to reach that final consensus. Whoever is in government after the election, however, will need to drive quickly and forcefully to deliver a consensus, because if we do not have it, we will be talking about this matter again and again in a decade, but still have made no further progress.

In an intervention on the Secretary of State, I referred to the consultation process. My local authority—the London borough of Sutton—has participated in that and organised two events with carers groups, carers themselves, people in receipt of care and various providers. It came up with five key findings in a 16-page report that will be winging its way to the Department. I picked up a draft this morning. The findings were that people

"preferred local to national (local flexibility with national assessment and minimum standards)...wanted a simple, transparent system that ends the 'post-code' lottery...preferred comprehensive over partnership and insurance (there was a distrust in insurance)...were interested in discussing taxation as an option"

and

"wanted more information on the subject generally".

The last point is particularly germane to our debate. There is a huge level of ignorance about social care until people enter the system or encounter it vicariously through a relative's experience. Until that happens, most people do not know what the system is about. I would therefore greatly support anything that can be done to raise awareness or ensure that social care is a central issue at the next general election.

The hon. Member for Blaydon (Mr. Anderson) talked about the rationing of care, in effect, through the use of eligibility criteria. Although there have been welcome changes in that respect over the past 10 years, I am also proud that my local authority, the London borough of Sutton, which has been under Lib-Dem control for the past 23 years, has managed to sustain its eligibility criteria in the "moderate" band. That ought not to go unmentioned, as only a handful of London boroughs still do that.

Quality of care has been referred to in this debate in a number of ways. I want to pick up on two or three points that illustrate why we need to strive to do more to address concerns about quality. In their briefings for this debate, both the Parkinson's Disease Society and the Alzheimer's Society reported concerns about the quality of care and, in particular, the lack of social activities in residential care. People are left to receive care passively and, although routine tasks are performed, they do not receive the emotional support and engagement that comes through social activity. There is also a crying need for more training, particularly on dementia.

One subject that is a particular concern for me, and which I also think is a marker of quality of care, is the inappropriate—and I would go so far as to say abusive—use of antipsychotic drugs in residential settings. Not only do they bring people's lives to an end prematurely, but in some cases they kill people. The evidence has mounted over the years. I hope that Professor Sube Banerjee's report, which I am told is to be published next month, will not just be published, but generate genuine action from the Government.

There has also been a lot of talk about home care, which is undoubtedly an important component of what we want to see happen. However, home care can become as isolating and institutionalising as residential care if it is not well delivered. There are plenty of documented cases and audit reports demonstrating that. Again, training is an essential part of that, particularly in

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manual handling. We need to avoid having a revolving door of poorly paid and poorly trained staff or a succession of ever-changing faces coming in and providing brief care interventions. We also need to avoid having to chase people to get them there in the first place.

Reference has been made to telecare. I have seen it being developed and delivered in many parts of the country. It undoubtedly has a contribution to make, but it cannot be a substitute for emotional support or that human touch and kindness. If telecare is a substitute for those things, what has it become? It has become little more than the electronic tagging of the elderly.

The central debate is about funding and how we pay for care. When we address the care of the elderly part of our population, we must keep in mind dementia and the fact that two thirds of those in care homes suffer from it. The bills that they face are huge. Some would describe them as a tax on dementia—indeed, the Alzheimer's Society labels them as such. We therefore need to design a system in which the risk is fairly shared across society, find ways of removing barriers to accessing to capital—the figure of £1 trillion for the assets that the over-65s owned before the recession is not to be ignored in this debate—and ensure that people can access financial services in contributing to the costs of their care.

However, the silence in the Green Paper on the means test thresholds and the overall funding levels makes the whole thing ring rather hollow. Without those, it is hard to judge what the intention or purpose behind the design of the system will be. One way in which the Government clearly hope to try to redirect resources is through the change to attendance allowance and disability living allowance. Although I welcome what has been said about disability living allowance in respect of the under-65s, there are still question marks over the rest.

Let us be clear: DLA and attendance allowance are the perfect direct payments, because they maximise individuals' personal choice and control over how they use the resources that they receive. They are based on need and are not means-tested. We need to understand the consequences of folding them up into social care budgets. One of the consequences, as we have just heard, is the possibility of breaking the link to the carer's benefits and possibly making it harder for that benefit to be paid at all. I therefore hope that we do not go down that path.

My hon. Friend the Member for Leeds, North-West (Greg Mulholland) mentioned the personal expenses allowance. In the past, there was a promise of a consultation on that, and the Green Paper would have been an ideal opportunity at least to ask whether the allowance was fit for purpose and sufficient. Anyone who goes into residential care and is funded by the state will find that the state takes most of their money away from them. They are handed back only £21.15 a week to meet all their personal costs. Frankly, that is not enough to give anyone a reasonable quality of life, to give them the right to buy a present for their grandson, to have a decent haircut, or whatever else they might need. The Joseph Rowntree Foundation suggests that at least £40 is necessary to give any justice to those people in residential care.

The national care service seems to be the centrepiece of the Green Paper, but what is it really going to be? Will it be a virtual organisation, or will it become a real one? It is not entirely clear what is intended. If it is about providing a national framework of eligibility, that is welcome. If it is about greater clarity and the portability of care packages, that is welcome, too. It is important to recognise, however, that concerns have been expressed about how national eligibility criteria will be made to stick around the country. Those concerns emerged from the consultations in Sutton. How can we create assessment tools that will guarantee consistency of approach? We have seen, as the continuing care framework was rolled out across the country, that there are clearly inconsistencies between one part of the country and another.

The right hon. Member for Croydon, North (Malcolm Wicks) talked about joined-up assessments, and he was absolutely right. That leads me to ask another question of the Minister: whatever happened to the single assessment process? It was trumpeted in 2002, when the national service framework for older people was launched. It was going to provide the way of ensuring that people were not put through endless, untimely assessment processes; only one process would be needed. That did not happen. Surely that process needs to be revisited if we are to have an assessment tool that really delivers.

I have said already that I welcome the portability of care packages, which is mentioned in the Green Paper. I also welcome the recognition of the value of advice and information for all, and of how empowering that can be for individuals. There is, however, a question mark over whether there is enough recognition of the differing capacities of individuals and families to navigate their way through the system. That does not seem to have been reflected in any discussion about advocacy or about how we tailor support for families so that the system really delivers for everyone.

I speak to constituents who have experienced direct payments, and the hon. Member for Tiverton and Honiton (Angela Browning) demonstrated graphically how we can learn from experience around the country in that regard. People have been turned into book-keepers and diary-keepers; they have effectively become the brokers of the system when they really wanted to be a carer. In some ways, direct payment takes that away from them and gives them something else which they have not signed up for. We need clarity about advocacy.

It is also important to make it clear, when designing a new system fit for the 21st century, that human rights are a strong and resilient thread running through all of it. In a rights-based, entitlements-based system, the individual can ultimately force the joining up of services—through the courts if necessary—and ensure that they are wrapped around to fit them, rather than the other way round.

I welcome what the Secretary of State said earlier about the need to root out ageism by 2012. That is long overdue, but very welcome. We should not have arbitrary age bars or differential charges for services. How can the charges for someone in a young adult care facility be massively higher than those for someone in a residential care home for the elderly? What is it that those elderly people are not entitled to that results in their care costs being so much lower than those for younger people?

That brings me to carers, to whom I referred in an intervention. Carers should be part of the Green Paper and should be enshrined in the principles of the national care service. Just last week, I attended the annual review

of the Sutton carers centre, which covers 19,000 carers in the London borough of Sutton. I heard some very inspirational presentations given by local carers there—and by Jill Pay, who I understand is on the Standing Commission on Carers. These are ordinary people doing exceptional things, and we all know that their own health and well-being often suffer as a result of taking on caring responsibilities. Reference has been made to the £53.10 carer's benefit. What we need is a timetable that delivers a significant enhancement to that benefit, well before the 2018 target set in the Government's carers strategy.

We also need transparency and accountability regarding the £150 million that the Secretary of State has put into caring services through the NHS. When I raised the matter in a debate in June, the Minister told me that I should go and ask my primary care trust. I did just that. Three months and endless e-mails later, I received a letter yesterday. Let me read what it said at the end:

"NHS Sutton and Merton was expecting these resources to be allocated specifically, and not as part of general growth allocations. However, it only became clear in April 2009 that the funds were actually included in general growth which the PCT had already committed some 4 months earlier in the Strategic Plan."

The money is not going where it was intended, irrespective of whether or not the Minister tells us it is. I hope that he will say more in his summing-up speech about how we will be able to track this in the future. I am not talking about ring-fencing; the Minister should not go down that path. I am not in interested in that; I am interested in local accountability for how the money is spent. At the moment, on the basis of the behaviour of my PCT and many others, that is not demonstrable.

To conclude, I hope that the Green Paper will not only provide better care and support, but be a driver for law reform. We need a comprehensive new social care Act that brings together all the carers legislation passed piecemeal over the last decade. It should update the legislation, remove the last vestiges of the Poor Law that are still part of our system and deliver the safeguarding, security and decency of care that all our citizens deserve. With that, I look forward to seeing the White Paper, but rather than delivering anything, it might be a first shot in the general election. After that election, whoever sits on the Treasury Bench will have to build a real consensus, which is what all our constituents want.

5.27 pm

Hywel Williams (Caernarfon) (PC): I will endeavour to be fairly brief. The Green Paper is concerned with care in England. My hon. Friend the Member for Glasgow, East (John Mason) speaks for Scotland, and I speak for Plaid Cymru and Wales. In the past, I have resisted intervening in debates on care in England, despite the strong temptation.

Our main concern—and that of constituents in Wales and Scotland—is the particular worry about attendance allowance and disability living allowance. There has been some confusion over the last few months, some of which was cleared by the announcement on DLA for the under-65s. That still leaves the concern I expressed earlier about over-65s, particularly those in Wales and Scotland, given the devolved nature of care, social care and health services.

I had a close look at the Green Paper. I see that everyone on the front page is smiling, and, rather alarmingly, so is the Prime Minister on page 2, but perhaps they are all smiling at the DLA announcements—so there we are.

About 115,000 people in Wales have a right to attendance allowance, 80,000 of them at the higher rate. They, including 2,370 in my own Caernarfon constituency, value it as a targeted and dependable source of help. Since its inception, it has provided a way of promoting and enabling autonomy, just as the mobility allowance provided a way of addressing the needs of disabled people living out in the community. That was also the principle behind the groundbreaking moves in the '70s and '80s, particularly in Wales, to shut large institutions under the "All Wales strategy for mental handicap", as it was called at the time—something I was intimately involved in as a young social worker.

Attendance allowance helps people to be independent. There nothing wrong with being dependent. There is nothing dishonourable about it. However, the direction of social policy over the past 30 years has been towards autonomy, choice and enhanced independence for those who, in darker decades, might never have seen the outside of an institution. I therefore consider the current move to be a step in the wrong direction.

Given that the provision of care in Scotland and Wales is the responsibility of the devolved Administrations, I hope that the Minister will explain what will happen in Scotland and Wales if attendanae allowance is, as it were, taken in-house throughout the United Kingdom. Will the Scotland and Wales element be transferred to the Welsh Assembly and the Scottish Parliament as a block grant for them to administer? That would be something of a constitutional novelty. Will the Welsh Assembly, for example, be able to administer an attendance allowance for Wales on the basis of the old system, or will it just spend the money on health and social services in Wales in the normal manner?

Mr. Harper: Will the hon. Gentleman give way?

Hywel Williams: I will, although I am loth to do so given the pressure of time.

Mr. Harper: I am grateful to the hon. Gentleman. He has reminded us of a comment made by the right hon. Member for Croydon, North (Malcolm Wicks) about joined up-government, not just in Westminster but throughout the United Kingdom. It is essential for conversations between the Westminster Government and the devolved Governments to take place at an early stage.

Hywel Williams: That is a very good point. I would certainly like the Welsh Assembly Government to take more responsibility for attendance allowance, although, as I have said, that would be a constitutional novelty.

I think that we need some answers from the Government before we take this much further, because there is a real fear in Wales and Scotland that DLA and attendance allowance will disappear, and we are unclear about what will take their place.

5.31 pm

The Minister of State, Department of Health (Phil Hope): We have had an important—indeed, I would say crucial—debate on the Government's proposal to create a national care service for older and disabled people. Members have spoken with great passion and considerable

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knowledge. We have heard from former Ministers, and from Members with personal and constituency experiences. I shall take each of the contributions as a submission to the Green Paper consultation, which will boost the numbers.

In opening the debate, my right hon. Friend the Secretary of State spelled out the need for change. My right hon. Friend the Member for Croydon, North (Malcolm Wicks) and the hon. Member for Eddisbury (Mr. O'Brien) rehearsed some of the core arguments about the change in demography. For me, a key fact is that there will be 1.7 million more people needing care in the future. Is the current system of care provision able to cater for that? The Government's conclusion, and one of the drivers behind the decision to change the system into a national care service, is that it is not, and that we need to find ways of responding to that.

Another key issue is the anger that I have heard expressed up and down the country at the unfairness of the means test, which forces people to use their savings or sell their homes to pay for their own care. That was mentioned by my hon. Friend the Member for Blaydon (Mr. Anderson). People are also worried about the quality of care services. I think that every Member referred to that. People are worried not only about whether they will be cared for well, but about whether the standard of care will vary according to where they live. Many are worried about the postcode lottery. Adults with disabilities are particularly worried about a variation between care assessments in different parts of the country. They do not feel confident that their care needs would be met if they moved to another area.

In proposing a national care service, we have used the building blocks of much of the very good work that has already been done throughout the country over the last four or five years. I must directly contradict claims by some Members on both sides of the House that we did nothing during those years and then suddenly embarked on consultation about a Green Paper. I remind them that it was back in 2007 that we launched "Putting People First", which received huge support across the country. Local authorities, the health service, third sector organisations and the private sector signed up to the agenda for the transformation of care services. We set aside an additional £520 million for local authorities to personalise social care services in the way that every Member here wants. Most councils are now getting more than £1 million each to support the agenda during the period 2008-11. That is a major building block as we aspire to create a national care service.

Many Members mentioned carers and the importance of recognising their contribution in caring for a loved one. The carers strategy, published in 2008, is a 10-year programme to help to ensure that carers get increased care and control and can have a life outside of caring, which is what they aspire to and what we aspire to on their behalf. I understand the criticisms, repeated today, about the money being delivered by the primary care trusts that have received extra cash, for example for respite care. I will be meeting the Princess Royal Trust for Carers, with senior NHS officials, to discuss how we might take this forward.

I find it difficult to accept criticism from the Conservative party about that issue as it voted against the extra money going into the health service in the first place. It now criticises us for the fact that the health service may not be giving the money out as it would have hoped. I cannot accept that and I find its position to be a little hypocritical.

Others have mentioned the importance of services for people with disabilities. I want to remind the House that another key building block that we put in place to create a national care service was Valuing People Now, our three-year strategy to transform the lives of those with learning disabilities and improve the quality of and their access to local public services. I was disappointed when the hon. Member for Brent, East (Sarah Teather) criticised the Green Paper for not addressing the needs of adults with learning disabilities, as the whole of the Green Paper is about adults with disabilities, including learning disabilities. Many of the features of the service that they will receive are captured in the Green Paper. We also have a specific strategy to drive forward in particular services for adults with learning disabilities.

Many Members have mentioned dementia as being a key pressure at the moment and one that is likely to grow because of the demographic changes. My right hon. Friend the Member for Croydon, North made that point. We have our national dementia strategy, published in February. It talks about earlier diagnosis and earlier intervention, which is a key part of how we help people to live well with dementia as well as providing new services. I visited my right hon. Friend's constituency where there is a very good memory clinic—one of the forerunners of the national dementia strategy. It is a model of good practice that we would like to be replicated across the country.

Mental health has been mentioned. We have just completed our consultation on New Horizons, a major shared vision for mental health for the future, whose twin aims are to improve mental health services generally but also, specifically, to improve the mental well-being of the population as a whole.

We also have the national strategy on adults with autism. The hon. Member for Tiverton and Honiton (Angela Browning) was gracious in recognising the contribution of the Government in creating a statutory basis for that in a Bill that I think will receive Royal Assent in a few days. I am certain that it will. It is a landmark for the care and support of adults with autism.

We also have our Dignity in Care campaign. Not a single Member mentioned that, which is why I mention it now. It is another key building block in driving change forward from the bottom up. Ten thousand individuals have now identified themselves as dignity champions in residential care homes, domiciliary care, the NHS, local authorities, the third sector and private sector organisations. They are all committed to playing their part in taking forward what I regard as a social movement to put dignity at the heart of care.

More recently, we published the social care workforce strategy. My hon. Friend the Member for Crawley (Laura Moffatt) was a model for how we might undertake consultations in our constituencies with individuals and groups on such proposals. From today, I would encourage every MP to spend the next two weeks—we still have another fortnight before the closing date—talking to local carers organisations and user groups, as well as third sector and private sector care providers and local authorities. We must ensure that everybody is fully

engaged in this debate. Members should be leaders and shapers of the debate in their constituencies, because it is very important. The Prime Minister recently announced that from October 2010 people with the greatest needs will be offered free personal care in their own homes, which is a major step forward in creating an integrated national care service for the future. We are working through the detailed modelling of how that will work, but it is of central importance and a building block towards achieving a national care service.

We must work through each and every one of these strategies and bring them together. Each of them is good in its own right but, because of the concerns that have been raised, we all know that in order to meet the needs of both carers and the users of care in our constituencies we have to reform and reshape the whole system, as well as put in place and improve the individual components. Many Members have highlighted the key features of the national care service, and I think the public should start to expect them as an entitlement. Those features include services that enable people to live longer in their own homes, and prevention—that has been a theme throughout the afternoon. This will give carers support, and also peace of mind that the person they are caring for—perhaps a family member—is being looked after, such as through telecare or telehealth. I disagree with the sweeping criticism made by the hon. Member for Sutton and Cheam (Mr. Burstow); I think telecare and telehealth have an important role to play in helping people, alongside other measures.

Mr. Burstow *rose—*

Phil Hope: I understand why the hon. Gentleman wants to intervene, but I am sure he will understand that I do not have much time. Let me just say that I do not think we should dismiss these measures too readily.

The idea of a national assessment of a person's care needs based on the aspirations they themselves have about their way of life and independence was raised. I want to reassure the hon. Member for Tiverton and Honiton that that is exactly what we want from a consistent and national system of care. It will of course be delivered locally, but to a pattern and a set approach that will allow people to have consistency of care in different parts of the country. It will not impose a system that negates individual needs and local distinctiveness; rather it will reinforce the needs of the individual and in a way that does not lead to different outcomes in different parts of the country. I hope that reassurance is sufficient.

The disability movement in this country has been championing real portability, and wants that to be the outcome of the care needs assessment. I am delighted that the national care service will be a major achievement for the disability movement in this country.

Mr. Harper: I agree about portability and the disability movement, but what is important to note is that this is not a national care service, but an England care service. We must not get more portability within England and then make the borders between Wales and Scotland real barriers to people who might want to move about our United Kingdom.

Phil Hope: I will make this point now, although I was going to come on to address the contribution of the hon. Member for Caernarfon (Hywel Williams) as well as that which of the hon. Member for Forest of Dean (Mr. Harper) made from the Back Benches—it is confusing that he is now sitting on the Front Bench. Officials met colleagues from the devolved Administrations and territorial offices to discuss the content of the Green Paper before publication in July this year. Officials have been in regular contact since then with all devolved Administrations. We have been holding various meetings since the publication, and a further series of meetings is planned to ensure a co-ordinated approach and to take into account the very real and understandable concerns Members have raised.

Members have asked about the extent to which social care and health care services can be joined up. My right hon. Friend the Member for Croydon, North made a particular point about that in relation to housing. This is not just warm words in a paper; it is practical action that we know can happen, whether through joint strategic needs assessments or joint commissioning processes. We also have some structural changes. There are eight care trusts, for example. Each of these models is being tried. Some are better than others. There is not a one-size-fits-all attitude. Indeed, we now have a range of integrated care pilots. I am unsure whether my right hon. Friend has come across them, but they were launched recently. The clue to what they are about is in the title; they offer integrated care. Issues being looked at in 16 localities include integrated care for people with dementia and the elderly, end-of-life care and care for people with long-term conditions, fluctuating conditions or mental health conditions. So we are taking practical steps to find out, through practice—through making it happen—how we can do this better.

Providing more information and advice is another key feature of the approach; it could be said to be an entitlement that people should expect from a national care service. People and their families should know what care, support and choices are available and how they can properly access them. We need to be able to reach out into the community to those who might not be accessing services under the current system.

Mr. Burstow: The Minister is discussing access to advice, but does he think that there also needs to be a similar entitlement to advocacy?

Phil Hope: Yes, this country has some excellent examples of support for advocacy, particularly among the user-led organisations; there are many varieties of this. We are funding the development of a range of user-led organisations up and down the country, and I have met such organisations. The one that I can remember most vividly is the Essex Coalition of Disabled People: not only are its people advocates, but they manage the direct payments system for many disabled people in Essex who use it—those disabled people find that things work very well. That coalition is run by disabled people for disabled people, and it provides a successful advocacy system too. Advocacy would need to be a part of any future national care service.

The idea of personalised care and support is crucial. The word "personalisation" runs through the whole of the Green Paper. It is about giving people choice over the care that they receive; giving people control over their care and when and how they receive it; and genuinely enabling people to live the independent lives that they

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want to lead. This personalisation should apply not only to care provided in people's own homes, but to residential care. The point has been made, not least by the hon. Member for Sutton and Cheam, that we need to ensure that in residential care settings people are given personalised care. I can remember visiting one residential care home where two residents in their 80s had got married. They were living ordinary lives and doing things that other people do, such as having relationships. That is the right way forward.

The key theme that every Member's contribution has touched on is fair funding. We know that all the options will have their advantages and disadvantages—in fact, we spell them out in the Green Paper to encourage the widest debate possible, as people understand how we could have funding that is sustainable for the longer term. A number of hon. Members, not all of whom are still in the Chamber, have reflected on the value of general taxation as a route for funding a national care service. May I emphasise that a lot of care is funded through general taxation right now? That is what is being delivered at the moment. We know that more resources are being put in from general taxation to fund the care system, of which the free personal care announced by the Prime Minister is the latest example.

I have a key question to ask hon. Members, including my hon. Friends the Members for Blaydon and for Luton, North (Kelvin Hopkins), who commented on this: given the demographic change that will take place—there are four people of working age to every pensioner now, but that will become two in the future—would it be fair between the generations to place all the burden of paying for older people's care on people of working age? The system would have to be not only fair between the generations—I have met many people who feel it would not be—but sustainable. Can it actually work in practice, or would the level of the tax burden on the working age population be so high as to be unacceptable?

Mr. David Anderson: The Minister has obviously made the assumption that the only way to pay for this is out of income tax. However, people carry on paying tax long after they have retired; everybody pays VAT every day of the week. I made the point in my contribution that one possible approach would be to have a 0.5 per cent. rise in VAT, which would put £2.5 billion directly into the care budget.

Phil Hope: All I can say to my hon. Friend is that we are listening hard to what everybody has to say about the way forward. I have tried to explain why the models that we have proposed are sustainable in the longer term—over decades of an ageing society—but we welcome any thoughts that people have and any contributions that they wish to make.

I wish to try to address some of the misconceptions that are inevitable when a debate of this kind is generated. First, I wish to say that this is a Green Paper for all adults; although the media may have portrayed it as a social care Green Paper that is just for older people, it is not—it is for adults with disabilities too. We are keen to ensure that we have a national care service that rightly provides the choice, control and independent lives that adults with disabilities rightly expect. I hope to hear more about that from their organisations in the future.

Secondly—I think this is a fair criticism—it was said that in some ways we have not placed families and carers at the heart of a new system for care in the future. I can see the reasons for that criticism of the Green Paper, but I want to say today that we do see families and carers as being at the very heart of the system. The purpose of a care service has to be to provide the support, choice and services that individuals need and that they can access in order to their lives as individuals with somebody caring for them with their families and relatives. Some people, of course, do not have carers, families and relatives around them. The care service needs to meet their needs, too, but we need to ensure that, as the hon. Member for Leeds, North-West (Greg Mulholland) said, the care service gives support to carers and families, who are at the heart of what a care system should be about.

On benefits and attendance allowance, which were mentioned by many hon. Members, let me make it clear that we are still keen to receive views on the case that was made by the King's Fund, Wanless and others to bring together some elements of disability benefits, such as attendance allowance, with the funding of care to provide a better, targeted system of care and support that will benefit everyone in need of care. I recognise some of the detailed points about the fact that attendance allowance and the DLA can be gateway benefits to other benefits, and that any change to the system will therefore need to take that into account. I am keen to get all of that right. I was pleased that the hon. Member for Forest of Dean described attendance allowance and DLA as being folded into a care system that gets reshaped and redistributed, rather than as being cut, which is how others have been portraying it. It quite clearly is not a cut.

Whatever the outcome of the consultation, the principle will continue to be that people receiving any of the relevant benefits at the time of reform will receive an equivalent level of support and protection under a new and better care and support system. We are going to make changes to disability benefits only if we are certain that by doing so we can better support the care needs of older and disabled people.

To pick up on the point about the cash that one gets as an attendance allowance, our intention is that the care and support that people will get in the future will be in the form of a personal budget that can be provided in cash for anybody who wants it that way. We want to see that feature driving forward as we develop our national care service. Although I am sure that that will not have assuaged all the concerns that have been raised today, I hope that those reassurances will help individual concerns.

I will not take the time of the House by reflecting for too long on the Government's concerns about the views expressed by the Conservatives and its way forward. My view is that the Opposition simply do not get it. A few weeks ago, they announced their scheme for a voluntary payment of £8,000 to provide residential care for those who choose it. We now understand that that scheme will exclude people with any pre-existing health conditions, so the number of those who would enter the scheme—let alone the number who would voluntarily choose to do so—is so small that it becomes a scheme for very few people, which completely ignores the needs of the many. Indeed, nine out of 10 people are not cared for in

residential care—they are cared for in their own homes. That is why we have gone down the route of the free personal care scheme as a major building block for a new national care service.

Although I do not know the details, last week the hon. Member for South Cambridgeshire (Mr. Lansley), who speaks for the Opposition on these matters, announced the creation of what appeared to be 153 new local quangos called public health boards, which would just be another layer of bureaucracy and complexity of funding, which already bedevil the system. I fail to see how a party that talks publicly about cutting bureaucracy and waste can immediately create a massive new wasteful bureaucracy, but that is for it to defend.

In drawing this debate to a close, I am delighted to say that the careandsupport.direct.gov.uk website has had 90,000 hits. Will hon. Members please encourage all their constituents to take part—if Members have their own website, I ask them please to add a link to the site from theirs—and to get engaged in the debate? Let us learn from the inspirational example of my hon. Friend the Member for Crawley who held a debate in her constituency. Let us meet local organisations. The job is clear. I want to build an unstoppable momentum for reform that will represent the biggest step forward for social justice in decades and improve millions of lives. Let us together create a national care service of which we can all be proud.

Question put and agreed to.

Resolved,

That this House has considered the matter of the Social Care Green Paper.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Ordered,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Mr. Blizzard.)*

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made, and Question proposed,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—*(Mr. Blizzard.)*

5.55 pm

Mr. John Randall (Uxbridge) (Con): I should like to discuss motion 5 on the Order Paper. I rather missed the opportunity on motion 4, I am afraid: I was sitting back and when motion 3 was not moved, I thought that the same thing would happen to motion 4. I was going to ask a question of a Minister, but I cannot see the Leader of the House or the Deputy Leader of the House on the Government Front Bench. However, the Comptroller of Her Majesty's Household is there—it is like looking into a mirror—and I am sure that he will be very capable of answering some questions.

As you may know, Mr. Deputy Speaker, my party and the Liberal Democrats are not terribly enthused, to say the least, by the Regional Select Committees. In fact, we have decided not to take part in them. However, on the question of motion 5, why at this stage—the Committees were set up only recently—do people need to be taken off them and then put back on? It is always interesting. Was the hon. Member for Great Grimsby (Mr. Mitchell) not happy with the set-up of the Committee; or, did he in some way displease the Whips? Perhaps he pleased them so much that they took him off the Committee.

Greg Mulholland (Leeds, North-West) (LD): Does the hon. Gentleman agree that if such a change of membership is put before the House, we should always have an explanation of why one Member is standing down and another is being put forward? Currently, these motions are put forward with no discussion and, given that the Committees are supposed to provide for more local accountability and interest, it is unacceptable not to know why one Member in the area is leaving and one is coming forward.

Mr. Randall: I am not sure that I would want an explanation on every occasion, but, as this opportunity arises from time to time, it is useful just to test whether the Government can tell the House why a decision has been made. I do not labour the point, because, speaking as a furniture retailer, I am very interested in the Adjournment debate that is coming next. I shall be interested to note what the hon. Member for North-West Leicestershire (David Taylor) says when I read it later in *Hansard*.

Mr. Paul Burstow (Sutton and Cheam) (LD): In the hon. Gentleman's earlier remarks, he suggested that the hon. Member for Great Grimsby (Mr. Mitchell) was being removed from the Committee. In fact, it is the other way around, and I should hope that he would not want to malign the hon. Gentleman unfortunately.

Mr. Randall: I should like to apologise to the House for that mistake. I in no way wanted to mislead Members. The hon. Member for Great Grimsby has obviously pleased the Whips. I know that he hopes for a career moving forward from the Back Benches, and, at this last moment, perhaps this is still an attempt to do so. I shall now sit down, so we might hear from the Government Front Bencher before we move to the next motion.

The Comptroller of Her Majesty's Household (Mr. John Spellar): It was very interesting to see the double act between the official Opposition and their errand boys on the Liberal Democrat Bench. Increasingly, they see their role as that of principal understudy to the Conservative Opposition, and this debate is yet another example of that. Let us be quite clear what the debate is about: the Conservative Opposition do not like Regional Select Committees. They have been quite open about that, to be fair, but the House has decided. There is also a well-established procedure, which the hon. Gentleman has reflected—along with remarks about my appearance—for changing the membership of all Committees. Hon. Members are just trying to score political points, and not doing it very well.

Question put and agreed to.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made, and Question proposed,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mr. Blizzard.)*

5.59 pm

Mr. John Randall (Uxbridge) (Con): I did not think that the Comptroller of Her Majesty's Household was going to give way on the previous motion, so I thought I would reserve my time here—

Debate adjourned (Standing Order No. 9(3)).

Debated to be resumed Monday 2 November.

Furniture Industry

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Blizzard.)*

6 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): According to figures from the British Furniture Confederation, the UK furniture industry is currently worth nearly £10 billion at retail prices. It directly employs about 131,000 people in 7,500 enterprises and makes a significant, but often overlooked, contribution to the manufacturing economy. Indeed, furniture makers, large and small, represent 5 per cent. of the UK manufacturing base. In addition, the industry supports, and is supported by, a large supply chain of materials suppliers, designers, component manufacturers, distributors, contractors and retailers.

Although there is no traditional geographical base for the furniture industry, there are clusters of companies in south Wales, Buckinghamshire and the east midlands, including Art Forma in my constituency and a number of furniture makers in Long Eaton, in the constituency of my hon. Friend the Member for Erewash (Liz Blackman). This is consistent with the fact that our region remains the area with the highest proportionate number of manufacturing workers. The industry is divided between small companies and relatively large concerns. The BFC estimates that 67 per cent. of all furniture manufacturing companies employ fewer than nine people, but also that the largest 300 companies account for 45 per cent. of the total employment. Fifty-eight per cent. of output is for the domestic market, 13 per cent. for the office market, and 29 per cent. for the contract market, which includes Government.

The purpose of my debate is to explore the industrial and consumer implications of the sales and promotion tactics far too frequently used by the large furniture companies in selling to the domestic market. It is all about the myth of the half-price, time-limited sale. Anyone who reads a Sunday newspaper or magazine will be familiar with the resounding slap on the kitchen floor of inserted sales and promotional fliers. Invariably, one of these will be from a large furniture company, offering huge reductions on sofas and other furniture as part of a sale that will "end soon". Typically, the sales periods will be extended and 50 per cent. discounts, even double mark-downs, will be offered to the public for an even longer period still. One of my contentions is that, despite some caveat in tiny print undecipherable to the naked eye, the discounted products are virtually impossible to find retailing at the full price, so there is no way of knowing whether the undiscounted price represents a real saving for the potential consumer or whether it is just a cynical, deceitful "come on".

The current law regarding sales periods only requires the discounted price to have been available for a minimum of 28 days consecutively in the preceding six months. Yet advertising literature from DFS and other companies scrupulously avoids quoting the actual dates for these sales periods. Instead, they have cleverly adopted a policy of "rolling" sales, where the sales offers are switched between product lines. One difficulty that trading standards officials face in effectively tackling this sort of dishonest, manipulative practice is that the pricing practices guide issued to traders is not mandatory. Indeed, the introduction to the guidance, issued by the short-lived,

now-departed, pre-Mandelsonia Department for Business, Enterprise and Regulatory Reform, is a master-class exercise in lowering regulatory expectations:

"This Guide recommends to traders a set of good practices in giving the consumer information about prices in various situations. It has of itself no mandatory force: traders are not under any legal obligation to follow the practices recommended."

No doubt somewhere, in a remote retail outlet during the quietest period of the year, there will be gathering dust sofas and other furniture at enormous prices that will then be used as a base for sales elsewhere in the country.

However, there is legislation designed to tackle misleading business in consumer marketing and sales practices. The Consumer Protection from Unfair Trading Regulations 2008—CPRs—were implemented to bring the UK in line with the provisions of the European Union's unfair commercial practices directive. The CPRs prohibit 31 commercial practices and specifically cover misleading or aggressive promotions. These practices are those deemed to be unfair in all cases, regardless of whether it would have induced the average consumer to make a purchase. I believe that the CPRs have particular relevance to the sort of "perma-sale" tactic used by DFS and others. Schedule 1 to the CPRs, covering banned practices, contains the following prohibition:

"Falsely stating that a product will only be available for a very limited time, or that it will only be available on particular terms for a very limited time, in order to elicit an immediate decision and deprive consumers of sufficient opportunity or time to make an informed choice."

To illustrate the type of practice referred to, the Office of Fair Trading's guidance on the CPRs cites the example of a trader who falsely tells a consumer that the price of homes will rise in seven days' time. That prohibition should apply to the "specially extended" sales practice used in adverts such as the one placed by DFS in *The Times* on 4 September, which stated:

"Final days to save. There's only a few days left to enjoy half price savings on many great designs and final reductions ...there's so much choice and so little time."

The consumer has no idea whether that is accurate but is clearly being pressurised into making a snap decision to purchase rather than an informed choice. Consumer Focus and others have pointed out that the CPRs do not offer direct redress to the consumer. Even if they have lost money, a consumer cannot take traders to court or get direct compensation under the CPRs.

Trading standards offices locally and the OFT nationally are charged with making businesses comply with the regulations, and only they can bring action against traders. Yet to date, the CPRs have been used to prosecute only once. In a country of 60 million people, that is astonishing. It seems pretty clear that the Government need to put the pricing practices guide on a statutory footing, or at least knit together more effectively the PPG and the CPRs. At present, they are cumbersome and difficult for trading standards to apply successfully to the widespread use of the dubious practices that I have mentioned. Trading standards departments may also need more resources to tackle such practices, but I surmise that in the current economic climate that is not likely to happen any time soon.

That aside, I am pleased to tell my hon. Friend the Minister that I take encouragement from the proposals contained in July's White Paper "A Better Deal for Consumers", which offers a longer-term prospect of action to modernise this aspect of consumer law. Encouragingly, it commits to a number of actions, such as modernising trading standards powers and

"a new Consumer Rights Bill which will implement the proposed EU Consumer Rights Directive and modernise and simplify UK consumer sales law."

That is from page 9 of the White Paper, Cm 7669. We await the content of the Queen's Speech next month with considerable interest.

Keen calendar watchers will note that we are heading towards Christmas, when the sales and marketing efforts of most industries go into overdrive. The big furniture companies are no exception, and the latest flurry of fliers is accompanied by increased broadcast and internet activity. There are just eight weeks to Christmas eve, and a visitor to the DFS website sees the prominent words "Half Price" and "Christmas" on the home page. Again, we see the familiar pattern of a high price discounted, often by 50 per cent. There is no way that consumers can check the accuracy of the amount they are being offered as a discount. So far, so bad.

The internet clearly offers exciting opportunities for retailers and consumers, but we must have the regulatory framework in place to protect and promote consumers' rights in the virtual marketplace. As I have said, I am encouraged by the content of the White Paper. Its focus on the increasing commercial importance of the internet will be much needed, and I am sure that it will offer yet another important incentive to vote Labour at the general election in the spring.

To return to more traditional media, I was interested to note that the Advertising Standards Authority, hardly the most tenacious of regulatory bodies, has twice upheld complaints from the public in the last year about half-price claims made in DFS's TV adverts, ruling that they were misleading. Although neither advert was banned by the ASA for using unverifiable price reductions, they point to advertising practices that sail close to the wind, to put it kindly.

DFS has a dubious record in its advertising content, particularly on television. Members might remember its advertising campaign from 2005, which featured tatty old sofas dumped in canals. It rightly drew criticisms of environmental irresponsibility, although the ASA chose not to uphold any of the 70 complaints that it attracted from the public. One is tempted to ask why the ASA exists.

I am struck by the small print on one of the DFS fliers circulated with last weekend's newspapers, which stated:

"DFS may alter or extend promotions at any time."

That is the proverbial two fingers to consumer rights.

In addition, DFS and other larger furniture companies make considerable and somewhat emotional and sentimental play of their products being made in the UK. For example:

"DFS don't just sell sofas, they actually make them in their own factories in Yorkshire, Derbyshire and Nottinghamshire."

That was in *The Sunday Times* on 30 August. No doubt some of those products are made in the UK but, as a constituent of mine points out, it is common knowledge in the trade that a significant proportion of DFS's product range is imported from China. That is another example of misleading information being used to cloud consumers' judgment.

[David Taylor]

Given that it is highly unlikely that the Government will reintroduce retail price maintenance, perhaps we should consider alternative measures to tackle the lack of coherent regulation of commercial sales periods in particular. There are useful examples of straightforward, pro-consumer regulation of sales periods elsewhere in Europe. For example, in France retailers of furniture—or anything else—can offer reduced price sales only at certain times of the year, with the Government fixing those dates and notifying the public of them. In Belgium, there are two annual sales periods, preceded by black-out periods when price reductions cannot be announced or suggested by retailers.

I should make it clear, if I have not already done so, that it is not my intention to denigrate one particular company—though it is a large and obvious company—or all the bigger UK furniture companies. I simply wish to point out the unfairness of those misleading sales and promotional practices. They are unfair to both the consumer and the smaller furniture manufacturers in the UK, who can lose out when people decide to buy a piece of furniture on the basis of misleading information. I need not stress that advertising standards and consequent consumer decisions become ever more important during periods of economic recession.

The UK is the fourth largest consumer of furniture in a global market with an estimated value of $240 billion. So furniture is a big and growing sector with great significance in domestic economies. Consumption is growing in real terms in all major markets and is expected to continue to grow in future. That is primarily due to improvements in standards of living in emerging economies such as China and India, and an increase in disposable income in many other western countries, particularly accession countries to the EU. The markets exhibiting the highest growth rates are the new EU members and much of Asia, including China.

At this point, it is important to mention the environmental impact of the furniture industry. The trend of increased imports to the UK from the European economic area and beyond confirms the high carbon cost of an embattled and under-invested domestic furniture industry—and, of course, manufacturing in general. There is no doubt that the UK furniture industry faces tough competition for a proportion of the growing international market. For example, it is estimated that a Chinese factory producing like-for-like products has a 20[illegible]25 per cent. cost advantage over its UK counterpart at factory gate prices. Competition is also coming from within the EU, with the Polish furniture industry in particular enjoying high levels of investment and growth in recent years. Fundamentally, this debate is an argument not for protectionism but for the larger manufacturers and retailers to be more truthful and honest with domestic consumers. Those are supposed to be two of the four prime guidelines for the Advertising Standards Authority—"legal, decent, truthful and honest." Truth and honesty are too frequently absent from furniture advertising.

Unfortunately, smaller furniture companies are finding it increasingly difficult to compete domestically or enter the export market. Yet they have the skills and expertise to adapt constantly to a rapidly changing market, which responds to contemporary trends in fashion, art and culture. That difficulty could be alleviated somewhat if Government support to furniture manufacturing were increased, particularly assistance in entering the export market. I look forward to hearing from the Minister about that.

The regional development agencies also have a role to play, as none at present, apart from Advantage West Midlands, classify furniture as a priority manufacturing sector. I hope that my RDA in the east midlands will again consider reclassifying that manufacturing sector as a priority.

Essentially, we must seek to improve the quality of sales and promotion practices used by the big furniture companies. It is not just DFS, but I have used it as an example. Related criticism can be made of several other aspects of retail, but there is no time in such a debate to draw attention to them.

In summary, consumers deserve straightforward and reliable information on the products they buy and we should use the existing regulations to ensure that they get it. If they are unenforceable in the face of artful advertising agencies, let us tighten them. Consumers deserve a better deal than they receive. Standards must be higher.

I am particular pleased to note that my hon. Friend the Minister is replying to this debate. He represents a south Wales seat and will be aware of how important and sizeable the furniture industry in his region is, and of the contribution that it makes to the local economy. He will also be aware, given that he is one of the most astute of the newly appointed Ministers, of the dubious practices that go on. It is a most unfortunate situation. We can do something about it, and I have every confidence that he will do so.

6.15 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): I begin in the usual way by congratulating my hon. Friend the Member for North-West Leicestershire (David Taylor) on securing this debate, which is on a very interesting and important topic, and on elucidating the subject in the House with his usual eloquence. He was as ever well supported by examples from the real world. I thank him very much for his kind words at the end of his remarks, and for the welcome he gave the consumer White Paper that the Government published earlier in the year.

When to hold a sale or a sales promotion is a commercial decision for a business. For that reason, in general, the Government do not believe that it would be in consumers' interests to follow some of the practices of our European partners which my hon. Friend outlined and to restrict sales periods to certain times of the year. I am sure that many consumers benefit from, and look forward to, the weekend sales that many retailers hold in the run-up to Christmas.

However, the law requires sales to be conducted honestly and fairly. We all love a bargain, but sales should not unfairly mislead consumers into believing that they are getting one when they are not. As my hon. Friend says, that is especially important given that the economic downturn is putting greater pressure on household budgets. I share his concerns about whether that type of fair trading is the reality in certain sectors—he highlighted the furniture sector. We know that many consumers have the impression that some sales last all year round, which makes it difficult for them to know whether the

reductions claimed are genuine. Indeed, it is questionable whether any consumers would pay the higher prices against which the reductions are claimed.

The main legislation intended to protect consumers from underhand marketing and sales tactics is the Consumer Protection from Unfair Trading Regulations 2008, which came into force in May of that year. The regulations ban traders in all sectors from engaging in unfair commercial practices with consumers, and cover acts or omissions by a trader directly connected to the promotion, sale or supply of products to or from consumers.

The consumer protection regulations are principles-based and operate flexibly to catch unfair practices. At their heart is a general ban on the use of unfair commercial practices. That is supplemented with more detailed rules on practices that mislead by action or omission, and on aggressive selling techniques. They also contain a schedule of 31 specific practices that are banned outright.

Misleading consumers about the price of a product, or of the existence of a specific price advantage, is one type of unfair commercial practice that is banned by the CPRs; another is misleading consumers about the geographical or commercial origin of a product. The blacklisted practice to which my hon. Friend referred may also apply when a promotion falsely claims that the offer will end very shortly, so as to elicit an immediate decision by consumers to make a purchase.

The regulations apply to all businesses, irrespective of whether they sell on the internet or the high street. A breach is generally a criminal offence. Enforcers can also apply to the courts for enforcement orders, equivalent to injunctions, to stop the use of unfair commercial practices. As my hon. Friend rightly pointed out, the OFT and local authority trading standards services have a duty to enforce the CPRs. In addition, my Department issued a pricing practices guide for traders at the same time that the regulations came into force—

David Taylor: The Minister raises the interesting point that local trading standards have that duty, although it is debatable whether they have the resources to carry it out. However, in an internet era, it is difficult to know which trading standards authority should examine the trading practices that are causing concern.

Kevin Brennan: The Government recognise that and, as my hon. Friend said in his speech, the consumer White Paper talks about some of the challenges of consumer protection in the internet age, and some of the measures that we are planning to put into force to tackle some of the problems that arise when selling over the internet. In addition, the White Paper envisages a future consumer rights Bill and the post of consumer advocate, empowered to take up cases on behalf of consumers in a new way, especially in cases involving a general interest.

As I was saying, the pricing practices guide recommends to traders a set of good practices in giving consumers information about prices in various situations. The CPRs implement the EU unfair commercial practices directive, which sets out rules on business-to-consumer commercial practices that all member states must apply. As a full harmonisation measure, it does not allow member states to apply stricter provisions in the area in which the directive applies. It would not therefore be possible to make the pricing practices guide mandatory, much as my hon. Friend might like that.

However, the new pricing practices guide significantly tightens the guidance compared with the code of practice on price indications, which it replaced. This new guidance is especially pertinent to the length of time businesses should advertise a price reduction. The old code of practice included recommended practice where a trader compares a current price with a previous one. The recommended practice was that the price used as the basis for comparison should have been the most recent price at which the product was available for at least 28 consecutive days in the previous six months. That enabled some traders to argue that they were adhering to the letter, if not the spirit, of the code by having a high price for one month and then reducing the price for the following five months. Because the code had evidential effect in court, this made trading standards reluctant to challenge that practice.

We are also aware that some furniture retailers would offer a small proportion of their stock at a higher price for one month. That enabled them to have "rolling" sales, in which the sales offers were switched between product lines. The new pricing practices guide says that the period of time for which the lower price will be available should not be so long that the comparison becomes misleading. It recommends that generally the period of time for which the lower price will be available should not be more than that for which the higher price was available. I take my hon. Friend's point about the lack of action so far, but we hope that this change will encourage enforcers to tackle claimed price reductions that have gone on for so long that they have become misleading.

In addition, the higher price should be a genuine price at which the trader could reasonably expect to sell significant quantities of the goods. In determining whether it was reasonable to expect that goods could be sold at the higher price in significant numbers, all the relevant circumstances would need to be taken into consideration. It could be argued that a store was trading unfairly if the previous higher price was not comparable to competitors' prices at the time or if relatively few goods were sold at that price.

In summary, the CPRs ban any commercial practice that misleads consumers about the price of goods and services or the existence of a specific price advantage. I hope that that reassures my hon. Friend that enforcers already have the powers to tackle misleading sale offers by furniture retailers, although I take his point, which he made forcefully and eloquently, that so far there have been few actions of that kind. I take this opportunity to say that the powers are in place, and I encourage enforcers, when they find that such practices are being carried out, to use those powers in the manner intended by the Government and Parliament.

I referred earlier to the consumer White Paper, which my hon. Friend mentioned. A future consumer rights Bill could help to strengthen further consumer protection regarding such practices. In particular, the consumer advocate envisaged in the White Paper will be empowered to take up cases on behalf of consumers.

David Taylor: I am encouraged by what the Minister is saying, but does he acknowledge that, of all the areas of retailing for which legislation is in place to eliminate poor marketing practice, furniture is one of the most obvious and common areas where consumers potentially are not getting the information that they deserve and

[David Taylor]

require to come to a sensible purchasing decision? Should he not focus on furniture before he turns to any other area of retailing activity?

Kevin Brennan: Yes, I acknowledge that. I also acknowledged at the beginning of my remarks that there was a particular issue with perceptions from the furniture manufacturing industry. My hon. Friend mentioned the industry in this country, and in particular at the end of his remarks he rightly noted that I am aware of the furniture manufacturing industry in south Wales. I recognise that imports from low-cost countries can represent a significant challenge to all parts of UK manufacturing, particularly the furniture manufacturing industry.

The Government are taking action through the manufacturing strategy to help companies to compete on value rather than low wages. That strategy was launched in September 2008 and brings together £150 million of support for the medium term to help businesses to access increased skills and technology support. The annual output from the UK furniture manufacturing industry is worth nearly £10 billion, and the industry employs directly about 124,000 people within 7,500 enterprises and supports a large supply chain comprising of materials, suppliers, component manufacturers, designers, distributors, contractors and retailers.

Many of those are small businesses, as my hon. Friend is right to point out. About 67 per cent. of all furniture manufacturing concerns employ fewer than nine people. Also, however, the largest 300 companies account for 45 per cent. of total employment. I acknowledge the importance of the industry. The "Real Help Now" scheme for business is also available to companies from the furniture sector, and the furniture manufacturing sector can access the manufacturing advisory service and UKFirst—the furniture industry forum—which can offer best practice advice to furniture manufacturers to help to improve their competitive position.

I once more congratulate my hon. Friend on securing this debate and on raising a very important issue. I have tried to confirm that the powers are in place to deal with that issue.

David Taylor: Would the Minister be willing to meet in his office me and one or two representatives at the smaller end of furniture manufacturing and retailing to explore in a little more detail some of the issues that I introduced briefly in this debate?

Kevin Brennan: I would be happy to meet my hon. Friend together with representatives from the industry to discuss the points discussed principally concerning consumer issues—in my case—although he might have to meet one of our hon. Friends if he wants to discuss manufacturing issues. However, I am sure that one of my ministerial colleagues would be prepared to meet him as well, if that was the tone of the meeting.

To conclude, the powers are in place and the enforcers can use them. Any retailers engaging in such practices should look carefully at their practices and ensure that they are—

6.30 pm

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Monday 2 November 2009

The House met at half-past Two o'clock

PRAYERS

[Mr. Speaker *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Territorial Army

1. **Martin Linton** (Battersea) (Lab): What role the Territorial Army has played in Afghanistan since 2001. [296681]

The Secretary of State for Defence (Mr. Bob Ainsworth): Before I answer that question, I am sure the whole House will want to join with me in paying tribute to Staff Sergeant Olaf Schmid, of 11 Explosive Ordnance Disposal Regiment, who died over the weekend in Afghanistan. He was a man of great courage and dedication, and the thoughts and prayers of the whole House will be with his family and friends.

The Territorial Army has made a vital contribution to operations in Afghanistan since 2001. It has worked with, and supported, our regular forces in a wide variety of roles, such as acting as medics and trainers, and providing force protection and combat support.

Martin Linton: May I join the Secretary of State in paying my respects, and will he join me in paying tribute to the London Regiment, which has served with great distinction in Afghanistan in 2007, and is due to go out again next year? Does he agree that the TA has come into its own in recent years because of the knowledge, experience and maturity that it brings to sensitive operations? Did he take that into account in reaching his sensible decision last week to continue full-scale training of the TA?

Mr. Ainsworth: I agree with my hon. Friend about the contribution that has been made by the TA over time, and about the skills—niche skills—and maturity that members of the TA can bring to our operational theatres. As he says, the London brigade is the lead cohort for infantry for Herrick 12 next year. Altogether, 130 men will be mobilised on 16 November. I thank that brigade for the part it will play in organising that deployment.

Ann Winterton (Congleton) (Con): Now that the "one Army" concept has been, at the very least, severely damaged by the decisions of the regular generals last week, how does the Secretary of State believe it will feed through to retention rates within the TA? Has he considered another blow to morale—to all those small employers who have supported so generously their personnel going off on active duty?

Mr. Ainsworth: I hear what the hon. Lady says about the attitude of the regulars towards the reserves, but I do not think that it is fair at all. There were tough choices to be made, and in-year savings had to be found. They were not in any way easy to find, and they certainly were not easy to find among the regulars. It would be wrong for us to attempt to increase any feelings that there might be between the territorials and the regulars.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): In considering the role of the TA as well as the regular Army in Afghanistan, does my right hon. Friend agree that it is vital that armies understand—they do not necessarily have to agree—precisely what their role is? Does he also agree that there is now considerable ambiguity in Afghanistan, especially following the withdrawal of Abdullah Abdullah from the presidential election, and that there is a need for the international community to build a new consensus on the way forward, which should include all the regional power groups in Afghanistan?

Mr. Ainsworth: I agree that the politics need to advance a long way in Afghanistan. Abdullah Abdullah's decision to withdraw, and the decision taken this morning by the electoral commission to accept that there is therefore no need for a second round, point up the difficulties we have in this area, but they are also welcome, because there was no point in a second round when the decision had effectively been taken.

I must say to my hon. Friend that I have talked to troops in theatre, and they know that they are not the answer in Afghanistan—there has to be a political answer—but they clearly know what their role is. They know that they are a force for good, and they know the work they are doing, and they do not allow themselves to be distracted from it by the political problems that they see and understand.

2. **Mr. Philip Dunne** (Ludlow) (Con): What plans he has for the future of the Territorial Army. [296682]

The Secretary of State for Defence (Mr. Bob Ainsworth): The overall strategic direction of the reserve forces was set by the strategic review of the reserves, a copy of which was placed in the Library of the House on 28 April 2009. This overall direction, and the Government's commitment to the reserve forces, including the TA, remains unchanged.

Mr. Dunne: As the Secretary of State has just confirmed, the Government's strategic review of Britain's reserve forces was published barely six months ago. What part of it recommended cutting 30 per cent. of the TA's budget?

Mr. Ainsworth: I cannot recall to what degree the hon. Gentleman engaged with the discussions that we had at the time that we published that review, but it was a strategic review that laid a framework for the future of our reserve forces. It acknowledged the funding issues that would have to be dealt with separately. Just because

there were and are resource constraints, it does not mean that we should stop people doing the necessary thinking that needs to take place about the strategic direction of the reserve. Yes, some of the implementation will have to wait until resources are available and will have to stand in line for resources, along with the Department's other priorities.

Mr. Lindsay Hoyle (Chorley) (Lab): I congratulate my right hon. Friend on the common-sense decision to reverse the cut. Can we now look to the future, and will he use his good offices to rebuild the trust between the TA and Land Forces, and ensure that we never see any future cuts of that sort?

Mr. Ainsworth: I will seek to do what my hon. Friend says, but I have to say that Defence faces tough choices. As I said the other week and repeat again today, in the present circumstances I am unashamed about the fact that Afghanistan is my top priority. If that means that we have to push more resources in that direction, we will seek to do so. Inevitably, that means that other things will have to be brought forward to pay for that increased priority.

Dr. Andrew Murrison (Westbury) (Con): Last week's U-turn leaves unfinished business, which the Secretary of State ducked during Wednesday's debate about the TA. His silence on in-year cuts to the Army cadets and the Officer Training Corps, leaked in his Department's 12 October memo, was deafening. Does he not recognise that penny-pinching in relation to the cadets puts high-quality TA and regular recruitment at risk? What effect does he think that that will have downstream on our ability to support current and future operations?

Mr. Ainsworth: Where is the clarity about the decisions that would have to be taken by the hon. Gentleman and his colleagues? They criticise everything that is done, but are not prepared or able to say what they would do. Tough choices need to be taken, and if people are trying to present themselves as capable of governing, they have to be prepared—as the shadow Chancellor knows—to take those choices. It is clear that the shadow Defence team are not.

Reserve Forces

3. **Sir Peter Viggers** (Gosport) (Con): What his most recent assessment is of the adequacy of training facilities for the reserve forces; and if he will make a statement. [296683]

The Minister of State, Ministry of Defence (Bill Rammell): We have adequate training facilities for the reserve forces, but they are not organised in the most efficient way. That is why, as part of ongoing efficiency work, we are seeking to identify several rationalisation measures.

Sir Peter Viggers: When I asked a written question last week about the future of the Browndown training facility in my constituency, I was told that there was a review of operations and several rationalisation measures had been identified. If rationalisation means the closure or restricted use of training facilities, it would have a devastating effect on cadet and reserve activity. What future can we look to for cadets in particular, as they are so important for future recruitment?

Bill Rammell: I know that the hon. Gentleman has taken a real interest in this issue within his constituency. I do not believe that his statement that the rationalisation measures will have a devastating effect will be borne out by the evidence. It is a reality that as a part of ongoing efficiency work and a Department-wide exercise to deliver savings, we have conducted a review of operations and identified several rationalisation measures. Browndown camp has been included in that review, and while at this stage no firm decision on the future of the facility has yet been taken, I can give him the reassurance that whatever our eventual decision is, it is anticipated that parts of Browndown, in particular the dry training area, will continue to be used.

RAF Search and Rescue

4. **Sir Alan Beith** (Berwick-upon-Tweed) (LD): What his plans are for the future of RAF search and rescue bases in the UK; and if he will make a statement. [296684]

The Minister of State, Ministry of Defence (Bill Rammell): The Government remain committed to 24/7 search and rescue cover across the UK. I have recently instructed planned crew reductions to be reversed to ensure that the first-class service that the RAF provides can continue to be sustained. We are aiming for the changes to be in place by early summer 2010. In the meantime, to avoid excessive strain on the force and to manage resources better, a programme of planned, rotating and temporary night closures will be necessary while we train the additional crews. The harmonised search and rescue helicopter service will continue to be provided from 12 UK bases.

Sir Alan Beith: I welcome the Minister's decision to reverse a mistaken earlier decision to cut the number of crews. Given the number of occasions on which RAF Boulmer's search and rescue has been put out of action, because of either 12-hour operation or failures, will he give considerable attention to the need to maintain full 24-hour cover wherever possible, and can he tell us what implications that has for the privatisation contract?

Bill Rammell: We intend to continue with the PFI project for search and rescue, which will provide an effective way forward. A decision was taken last year that we could operate on the basis of 24 crews. As soon as it became clear to me that that was not possible, I immediately instructed that we move back up to 28 crews, which I know the right hon. Gentleman welcomed. I also know that he and a number of other Members have particular concerns about the issue. It is extremely complicated, but as I said to him when we spoke on Friday, I shall be more than happy in the next week to arrange a meeting to discuss it.

Robert Key (Salisbury) (Con): How many search and rescue aircraft are operationally available today, and what is the shortfall in the number of pilots required?

Bill Rammell: I shall write to the hon. Gentleman with the exact figure immediately following questions. The original decision was to move from 28 crews down to 24. We are at 26 crews today, but I have reversed that decision and we will go back up to 28. However, even where there is an ad hoc closure at one of the bases, we meet our response times by providing search and rescue from a neighbouring base.

Nick Harvey (North Devon) (LD): I welcome what the Minister said about the short-term measures that he is taking, but will he clarify the situation post-2012? Is it still his intention that three of the 12 bases will run on a 12-hour basis, not on a 24-hour basis? There is grave concern in the south-west, where people simply cannot understand why, if three bases are to run on a 12-hour basis, two of them—Portland and Chivenor—should run contiguously, leaving Culdrose to cover the Atlantic, the English channel, the Bristol channel, the south-west peninsula and Wales.

Bill Rammell: The answer is yes. We still intend to operate three of the bases on a 12-hour basis post-2012. We have been able to reach that conclusion because since we started the process, the industry solutions available have meant faster helicopters and faster response times. However, as I said earlier, I recognise the detailed concern about the issue, and I will include the hon. Gentleman in the meeting that I shall organise very shortly.

Afghanistan

5. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What recent assessment he has made of the internal and external threats to the military security of Afghanistan. [296685]

10. **Mr. Philip Hollobone** (Kettering) (Con): What recent assessment he has made of the internal and external threats to the military security of Afghanistan. [296690]

The Secretary of State for Defence (Mr. Bob Ainsworth): In Afghanistan, the threat is from the Taliban-led insurgency, which continues to rely on the use of improvised explosive devices against our forces. That is why this year we have deployed 200 specialist counter-IED troops, together with new equipment, including vehicles, and increased flying hours for unmanned aerial vehicles, to find and defuse mines, and IEDs and to identify and target the networks that produce them. Regionally, the activity of violent extremists in Pakistan is a threat to both wider security and Afghanistan itself. More widely, the international community has trained more than 90,000 Afghan troops. The new Afghan national army will establish its headquarters in Helmand next year to take part in operations in partnership with units from the international security assistance force. Finally, the commander of ISAF, General McChrystal, has said that the military security situation in Afghanistan is serious, but that we can succeed.

Mr. Hands: The Secretary of State will have seen from press reports at the weekend that the most senior British Army officer killed in Afghanistan, Lieutenant-Colonel Rupert Thorneloe, wrote to his superiors just before he died warning that the shortage of helicopters would cost lives, as more journeys would have to be taken by road. He said that the system for managing helicopter movements was

"very clearly not fit for purpose".

Why is that?

Mr. Ainsworth: The hon. Gentleman will have seen and heard, I hope, the Chief of the Defence Staff on the television at the weekend explaining the helicopter situation and saying what I have said in the House repeatedly, which is that helicopters are not a panacea. Yes, any commander would like more helicopters, but people plan operations on the basis of the equipment that they have. I also have to tell the hon. Gentleman that I spent the weekend listening to one of his hon. Friends telling the world about how we could have more helicopters in theatre by Christmas, as provided by one of his mates. He cannot be a very close mate, because I do not think that he gave him the detail.

Mr. Hollobone: Given that our troops in theatre clearly find it difficult to work with the Afghan national police, because of issues of corruption and the ANP's close links with the Taliban, and given that our NATO allies the Germans are meant to be sorting out the ANP, does the Secretary of State think that the Germans are going far enough or fast enough to address the problem?

Mr. Ainsworth: The development of the Afghan national police is a serious long-term issue that has to be addressed. Yes, the Germans are the lead nation in that regard, but we all need to make a contribution. The progress that has been made with regard to the Afghan national army needs to be speeded up. We can do that through partnering and we can get to a position where the Afghan national army is increasingly able to look after security in its country. But the population will depend on a non-corrupt police force, so effort has to be put in that direction, and it has to be led by the Afghan Government themselves. Those are the things that we need to be saying to the new Afghan Administration.

Mr. Eric Joyce (Falkirk) (Lab): Will my right hon. Friend confirm that the continued risking of British troops' lives in Afghanistan will be contingent on an acceptance from the obviously corrupt President Karzai of a significant dispersal of power away from him?

Mr. Ainsworth: Now that we at last have an end to this election period, we need to prevail on the Afghan Government to be inclusive, to build good governance in the various different parts of the country—we have seen the benefit of that in Helmand province, where we have had a good governor for some time—and to tackle the very deep levels of corruption in Afghanistan. Unless the Afghan people can see a Government who are of benefit to them, all the efforts of our brave forces will not get us very far. That has to be the main focus of our effort and that of our allies.

Mr. David Crausby (Bolton, North-East) (Lab): What progress has my right hon. Friend made in removing the restrictions on the Gibraltar Regiment's deployment to Afghanistan so that it may be allowed to play its full and proper part?

Mr. Ainsworth: I think that in the very near future we will be able to make an announcement that my hon. Friend will be pleased with.

Nick Harvey (North Devon) (LD): Like many other Members, I have been travelling here through the day, so I was slightly taken by surprise when the Secretary of State referred to the election period as being over. Perhaps I have missed the lunch time news. [HON. MEMBERS: "Yes, you have."] Mr. Speaker, we will all be very relieved that British troops' lives are not being risked to enable us to go through the absurdity of a Soviet-style election with one candidate.

Last week's Nimrod report is of significance in Afghanistan because we have been using Nimrod assets there a great deal for the security of our services. Can the Secretary of State guarantee that the lessons will be learned from the last strategic defence review, and that the Nimrod system will not be in the turmoil that it was found to have been in previously?

Mr. Ainsworth: The hon. Gentleman has missed the news that the electoral commission has announced that in the circumstances in which we find ourselves, with Abdullah Abdullah having withdrawn from the race, there is no need for a second round. That in itself will be good news to our forces in Afghanistan.

With regard to the Nimrod, the fault was found with our airworthiness systems in the MOD, and we will have to look at the detail of the report. I gave the House a commitment that I would come back to it before the Christmas recess with the lessons that we have learned, and with our plans for how to deal with the recommendations of the report.

Dr. Liam Fox (Woodspring) (Con): The whole House, including the Liberal Democrats, will be glad that the farce of a run-off election in Afghanistan with a single candidate has been averted, because to have put our troops at risk to secure an election process with only one possible outcome would have been an obscenity.

The Prime Minister said on 13 July that the extra British troop deployment was until the end of the Afghan election period. When he phoned President Karzai today to congratulate him, did they discuss troop numbers? When will we get a clear statement of the Government's intentions?

Mr. Ainsworth: The Prime Minister has already announced, a week or two ago, that we would extend the additional troops that we put in for the election period and make them permanent. We have also announced, as I think the hon. Gentleman knows, that, if certain conditions are met, we will agree to a further troop uplift of another 500 troops, taking us to 9,500.

Dr. Fox: I hoped that we might get some clarity here. The Government recently stated that a further potential troop uplift would be to augment the mission, improve the protection for our armed forces and speed up the training of the Afghan national army. The Government then applied conditions, including an increased commitment from European NATO members. As the Bratislava meeting last week made it clear that they will not make that commitment, how long will the Government allow that issue to be a smokescreen for inaction? If their reasons—the safety of our forces and the success of the mission—are so compelling, why the delay?

Mr. Ainsworth: It is not a smokescreen at all. The hon. Gentleman ought to welcome the fact that we are not prepared to put in the further troops until we can satisfy ourselves that the equipment levels are adequate for the increased force, or until we have had an opportunity to talk in detail to all our allies, including the United States of America, about what contribution they are making. Heaven knows there are people on the hon. Gentleman's side—including the hon. Gentleman himself—who complain all the time about burden sharing. Now, here we are, trying to talk to people about their own burden and their preparedness to put forces into Afghanistan, yet he wants us to say, "Let's forget about that and put the extra troops in now." That really is nonsense.

Dr. Fox: The lack of clarity in the Government's position will be extremely worrying for our forces. Let me try another angle. It is becoming increasingly clear that a major threat to our security comes from Pakistan. Given the apparent discovery in Waziristan last week of passports and documents relating to the Madrid train bombers and the 9/11 hijackers, will the Secretary of State take this opportunity to remind the House and the country that our military mission in Afghanistan and the actions being taken in Pakistan are primarily about national security, and that reconstruction and development, while complementary, are not the reason why our troops are in Afghanistan?

Mr. Ainsworth: I totally agree with the hon. Gentleman: I have never tried to suggest otherwise. The reason why we keep our troops in Afghanistan is directly and primarily associated with our national security and our national interests. What the Pakistanis are doing on their side of the border is obviously complementary to that. We should help them where they are prepared to accept assistance, and congratulate them on the headway that they have made and their greater preparedness to take on terrorists in their own country.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Has the Secretary of State had a chance to ask his Dutch and Canadian colleagues whether they are prepared to reconsider their decision to withdraw troops from Afghanistan?

Mr. Ainsworth: At the recent informal NATO meeting, I discussed Afghanistan with my Canadian counterpart and the Dutch Defence Minister. As my hon. Friend knows, they both have plans to reduce their commitment: the Dutch in 2010 and the Canadians in 2011. I am hopeful that they will continue to do the maximum that they feel able to do, but I have to say to my hon. Friend that I did not get the level of comfort that I would have liked from either of those two colleagues at that meeting.

Gray Report

6. **Paul Rowen** (Rochdale) (LD): What changes are planned to be made to the practices and processes within his Department in light of the recent Gray report on defence acquisition. [296686]

7. **Willie Rennie** (Dunfermline and West Fife) (LD): What steps he plans to take to reform the practices and processes of his Department in response to the Gray report on defence acquisition. [296687]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): My right hon. Friend the Secretary of State set out in his oral statement to the House of 19 October a number of steps that we will take, in the light of the Gray report, to build on earlier and current reforms and to deliver a radical improvement in performance. Building on this, we intend to publish a wider, more detailed strategy for acquisition reform in the new year.

Paul Rowen: I thank the Minister for that answer. Does he not accept that the Gray report shows the need for an immediate strategic defence review? Will that be enshrined in law, and will we now get the 10-year and 20-year rolling equipment budgets that the report recommends?

Mr. Davies: We were already committed, before the publication of the Gray review, to a strategic defence review, which will start next year. We are undertaking quite a lot of preparatory work for that now.

Willie Rennie: The Minister will have seen reports about the joint strike fighter and the aircraft carriers. Can he confirm whether those reports are accurate, and whether they will result in a reduction in aircraft, a reduction in the specification for the aircraft carriers, or both? In the context of the Gray report, does the Minister think that any such changes would represent value for money?

Mr. Speaker: Order. There were at least two questions there, but I know that the hon. Gentleman will accept that one answer will suffice.

Mr. Davies: I am delighted to have the opportunity to say quite clearly on the record that the reports to which the hon. Gentleman refers are complete rubbish. There is no suggestion—it has never been in our minds at all—to re-specify either of the two aircraft carriers. There has been no change in that programme, and neither has there been any change in our joint strike fighter programme. As the hon. Gentleman knows, we are already committed to purchasing the first three aircraft.

Lynda Waltho (Stourbridge) (Lab): As the Gray report refers to major procurement activities, will the Minister tell me, and the House, what recent discussions he has had with commanders on the ground about the effectiveness of personal protection equipment for our troops in theatre—such as the Stourbridge war hero, 19-year-old Michelle Norris, who risked her life and was the first woman to gain the military cross for her work?

Mr. Davies: She was a particularly gallant lady, providing a wonderful and inspiring example to us all. The answer to my hon. Friend, who is absolutely right to raise this matter, is that we attempt to achieve the very best in personal protection, the very best in the latest techniques to counter improvised explosive devices, the very best armoured and protected vehicles for our troops, the very best in communications equipment and the very best in personal equipment. So far as personal equipment is concerned, I draw my hon. Friend's attention to the fact that we now have the new Osprey assault armour—the latest version of it. The Osprey was brought in only two or three years ago—it was then the best of its time—and now we have the Osprey assault and the new mark 7 helmet. The latest roulement of troops out to Afghanistan a month ago were carrying that new armour, in respect of which they had undertaken pre-deployment training. Our principle in supplying Afghanistan with kit is a continuous pipeline of improvement, and the best available that money can buy at any point.

Mr. James Arbuthnot (North-East Hampshire) (Con): Page 38 of Bernard Gray's report says that

"between £1 billion and £2.2 billion is being lost each year as a result of the failure to control this overheated equipment programme".

Does the Minister agree?

Mr. Davies: Of course I noticed that rather startling figure when I read the Gray report myself. The right hon. Gentleman, who has obviously read the report, will also have noticed that there is no evidential basis for that statement anywhere in it, nor is there an evidential basis for it anywhere else that I have ever come across. The very fact that the figure ranges between £1 billion and more than £2 billion shows, I think, how imprecise that statement inevitably is.

Mr. Brian Jenkins (Tamworth) (Lab): Does my hon. Friend have plans to reduce elements in the procurement programme to match the number of personnel to oversee that programme and the resources to implement it?

Mr. Davies: We continue to keep our equipment programme under constant review. The whole purpose of having an equipment programme—this is my job—is to ensure that it is managed on a day-to-day and week-to-week basis so that it is coherent, and so that we can make such changes as are required as a result of changing operational or other priorities. At any one time, of course, it must also be affordable. We can spend only the money we have in any one year, and we always meet our contractual liabilities. This programme is constantly under review and constantly under management. There is no question of suddenly taking one decision and viewing it as valid for all time.

Mr. Gerald Howarth (Aldershot) (Con): The Government's stewardship of the defence of the realm has suffered two damning indictments in two weeks—the Gray report and also the Haddon-Cave report on the Nimrod. In considering how to respond to the devastating criticism contained in the Bernard Gray report, will the Government ensure that the lessons in the Haddon-Cave report on the Nimrod are also fully learned so that the welfare of our armed forces is given priority over cost-cutting in the Ministry of Defence?

Mr. Davies: In the light of the hon. Gentleman's concern—he is trying to make a party political point—I think he has fundamentally misunderstood something important: the Haddon-Cave report, although it produced some very serious and worrying conclusions, is focused on the issue of airworthiness, whereas the Gray report is entirely about procurement. Clearly, we take into account in our procurement reforms—about which I have already made a statement—any relevant conclusions from the Haddon-Cave report, but the prime issue in that report is the procedures for delivering airworthiness certificates for our aircraft.

Afghanistan

8. **Nigel Griffiths** (Edinburgh, South) (Lab): What steps the Government have taken to respond to requests from military commanders for additional troops in Afghanistan made in 2009. [296688]

The Secretary of State for Defence (Mr. Bob Ainsworth): In April this year, after considering options in consultation with the service chiefs, we announced an uplift in force levels to 9,000 for the period of the election in Afghanistan. The Prime Minister confirmed on 14 October that we had agreed to maintain UK troops at that level beyond the election period.

We have also agreed in principle a new force level of 9,500, which will be put into effect subject to the following conditions: first, that the new Afghan Government bring forward the Afghan troops to be trained and to fight alongside our forces; secondly, that our commitment is part of an agreed approach and burden sharing across the international coalition; and thirdly, that military commanders are satisfied that the extra troops are properly equipped for what they are being asked to do.

In all, that means that, in principle, we have increased our troop numbers by about 1,500 in just over six months.

Nigel Griffiths: Does that increase mean that the Government are now complying fully with military advice on the correct level of troops to tackle the current tasks in Afghanistan?

Mr. Ainsworth: Yes.

Mr. Bernard Jenkin (North Essex) (Con): The Secretary of State spoke of the requirement for the extra troops to be properly equipped. Is he saying, in effect, that he has received no offers of extra helicopters for Afghanistan?

Mr. Ainsworth: I have received lots of offers of extra helicopters for Afghanistan. What I have not received is an offer for what was described over the weekend as the ability, for the sum of £7 million a month, of about 20 Chinooks to ferry our troops around.

Mr. Adam Holloway (Gravesham) (Con): That is not correct.

Mr. Ainsworth: That is what was said on the television by the hon. Member for Gravesham (Mr. Holloway), who is now remonstrating with me from a sedentary position. We do have, and we will assess, offers of helicopters for logistics and supplies. If any Member wants to encourage someone to put in a bid for a new contract in that regard, we shall be happy to evaluate it, but the idea that we can secure additional lift for our troops in the way that our nation was told we could at the weekend is total, complete and utter nonsense.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Will my right hon. Friend add a fourth condition to the three that he listed—that there should be substantial progress in the elimination of corruption at the centre in Afghanistan and in Kandahar province? Will he bear in mind that any further measures relating to presidential elections will be a pointless and dangerous exercise until that progress is made?

Mr. Speaker: Again, one answer to the two questions will do.

Mr. Ainsworth: I agree with my hon. Friend that it is essential for the Afghan Government to address the issue of corruption and governance, and to reach out to the whole of the Afghan population as well.

9. **Mr. Desmond Swayne** (New Forest, West) (Con): What is his most recent assessment of the progress of military operations in Afghanistan; and if he will make a statement. [296689]

The Secretary of State for Defence (Mr. Bob Ainsworth): We continue to work with the Afghan national security forces and ISAF partners to bring security to the Afghan people. In Helmand, the Afghan Government and security forces now have an increasingly permanent presence in the population centres where it matters most, and progress in military operations ultimately contributes to the international civilian reconstruction and development effort.

Mr. Swayne: Given the large and worrying number of people who say that they do not understand why our forces are in Afghanistan, does the Secretary of State acknowledge that there is a need to define the mission better, and to propagandise it?

Mr. Ainsworth: I think we all need to share responsibility for that, and to help in any way we can. As I have said—and I do not think that any member of any of the three parties, including Back Benchers, disagrees with me—our presence in Afghanistan can be justified only by a threat to our national security, and the overwhelming importance that the region has for our national interests here in the United Kingdom.

Mrs. Madeleine Moon (Bridgend) (Lab): Given my right hon. Friend's acknowledgement of the importance of building civilian and military capacity across Pakistan, will he assure me that he is satisfied that the large and increasing number of civilians working in Afghanistan are provided with the appropriate level of security by private security companies and the Afghan army, and that it is of a standard with which our military commanders are also satisfied?

Mr. Ainsworth: The level of threat in Afghanistan is a very real problem for civilians trying to operate in that country. There are, of course, circumstances in which private military companies can and do provide the necessary level of security, and our forces are more than happy not to have that burden themselves.

Territorial Army

11. **Chloe Smith** (Norwich, North) (Con): What plans he has for the future of the Territorial Army. [296691]

The Secretary of State for Defence (Mr. Bob Ainsworth): I refer the hon. Lady to the answer that I gave earlier to the hon. Member for Ludlow (Mr. Dunne).

Chloe Smith: What plans does the Secretary of State have to assist, financially or otherwise, TA units such as mine in Norwich to re-book the training that has been cancelled due to the budgetary fiasco of this Government's making?

Mr. Ainsworth: We believe that it should be possible to recommence the training within the next couple of weeks. Obviously, that may be problematical for some people, but we hope that they will be able to recommence as soon as is practicable.

Pre-deployment Training

12. **James Duddridge** (Rochford and Southend, East) (Con): What recent assessment he has made of the adequacy of availability of equipment for pre-deployment training in the UK. [296692]

The Minister of State, Ministry of Defence (Bill Rammell): The balance of equipment between operational theatres and training is kept under constant review. The training requirement is dynamic, as new pieces of equipment are brought into service and as changes are made to the size and composition of deployed forces. In general, the quantity of equipment available for pre-deployment training is increasing.

James Duddridge: Where pre-deployment training is inadequate due to a lack of equipment, what extra training takes place in the field of operations before our troops are put into harm's way, particularly in the use of vehicles and electronic counter-measure devices on vehicles?

Bill Rammell: Let me be very clear: we do not deploy troops where there is an unacceptable balance of risk. Rightly, our priority—I think that Members throughout the House will agree with this—is to get the best possible equipment into theatre, but we are certainly increasing the availability of equipment for training. For example, between July and October we achieved a 50 per cent. increase in the number of Ridgback and Jackal vehicles available for pre-deployment training. However, wherever there is a gap, that is addressed so that we do not deploy troops in circumstances where there is an unacceptable balance of risk.

Mr. Gerald Howarth (Aldershot) (Con): Is the Minister not aware of the National Audit Office report earlier this year that said that there is

"a shortage of appropriate theatre-specific equipment to train on"?

I can confirm from my knowledge of the Welsh Guards, who have just returned from theatre to Aldershot, that they did not have sufficient quantities of Mastiff equipment to train on here, with the result that they had to train in-theatre, did not understand the maintenance of the equipment and as a consequence suffered more maintenance problems. Will the Minister address the issue more urgently, and provide more equipment if it is required so that the guys who are going out on operations are properly trained before they get there?

Bill Rammell: As the hon. Gentleman knows, in the past three years we have spent an additional £10 billion on new equipment. He also knows that he and his colleagues are not proposing one penny more in additional defence expenditure than this Government are. In the current circumstances, the priority has to be the delivery of equipment to theatre. That is what we are doing, but we do not do that, and we do not deploy troops, where there is an unacceptable balance of risk.

Nuclear Weapons

13. **Michael Fabricant** (Lichfield) (Con): What recent progress has been made towards procurement of the next generation of the nuclear deterrent; and if he will make a statement. [296693]

The Secretary of State for Defence (Mr. Bob Ainsworth): The concept phase for the future deterrent programme is making good progress. The defence board will consider that work later this year.

Michael Fabricant: I am pleased to hear that it is making good progress, but the Secretary of State will know that both the Government and the Conservative party are committed to a nuclear deterrent, and yet this one is beginning to wear out. When will we have an announcement on when there will be a replacement?

Mr. Ainsworth: All our plans were laid out in the 2006 White Paper. The position has not changed on my side of the House; the only person who has brought the position into question is the shadow Chancellor, who appears to have waged—

Mr. Speaker: Order. We will not go into the question of the views of the shadow Chancellor now.

David Taylor (North-West Leicestershire) (Lab/Co-op): Since Britain launched its first nuclear-powered submarine, HMS Dreadnought, in 1960, 15 vessels have been taken out of service and defuelled, and 12 more are due for that before 2040. Will the Secretary of State say what the plans are for the dumping of dangerous radioactive waste? In this weekend's newspapers we saw details of 12 alleged sites from a Ministry of Defence "secret list".

Mr. Ainsworth: Plans will be drawn up for the disposal of nuclear submarines, and a proper consultation will take place as soon as is appropriate on any plans that we have, so my hon. Friend should not listen to scare stories that he reads in the newspapers.

14. **Mr. David Heathcoat-Amory** (Wells) (Con): What recent progress his Department has made in its assessment of the UK's nuclear defence needs; and if he will make a statement. [296694]

The Secretary of State for Defence (Mr. Bob Ainsworth): The UK's nuclear deterrence policy remains as that set out in the 2006 White Paper and, as is clear in that paper, is kept under continuous review. The Prime Minister recently announced in New York that, subject to continued progress in multilateral negotiations and a report on technical feasibility, he would wish with the next class of deterrent submarines to deliver a posture of one on patrol at all times and a fleet of three, rather than four, submarines. He has directed the National Security

Committee to report by the end of the year on those two issues, and the MOD is closely involved in this work.

Mr. Heathcoat-Amory: The Secretary of State talks entirely about a traditional submarine-based deterrent. Given that the future nuclear threat may well come not from established states but from irregular groups and organisations, will he consider other, more flexible deterrents that use new technologies, rather than big submarines that have big missiles on them?

Mr. Ainsworth: It is the Government's policy to maintain a minimum strategic nuclear deterrent; it is not our policy to develop a range of tactical nuclear weapons that can be used in the kind of circumstances that the right hon. Gentleman mentions. I do not believe that that is the policy of his party, which appears to be a bit flaky on the maintenance of the strategic deterrent.

Topical Questions

T1. [296706] **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Mr. Bob Ainsworth): As I have said to the House before, Afghanistan is the main effort of my Department for the near future, along with the preparation of a Green Paper that will lead up to a strategic defence review the other side of an election.

Mr. Crabb: On service mental health, what steps has the Secretary of State taken to address the problem, highlighted by the Royal British Legion, that up to 85 per cent. of GPs across England and Wales have no awareness of his Department's medical assessment programme or the reservists' mental health programme?

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): The Department has a good record on veterans' mental health: we have six veterans' health pilot schemes, as well as the medical assessment programme, to which the hon. Gentleman refers, at the hospital across the river. I shall also make an announcement later this year on how we can track veterans through the NHS system—that work will be done with the Department of Health.

T3. [296709] **David Taylor** (North-West Leicestershire) (Lab/Co-op): Given the Haddon-Cave review's comprehensively damning indictment of QinetiQ's role in passing the fatally flawed Nimrod MR2 into service, will the Secretary of State commit to reviewing the defence training contract under which, as part of the Metrix consortium, that expensively privatised disaster, QinetiQ, again plans to use an integrated project team?

Mr. Bob Ainsworth: We will respond to all the recommendations in the Haddon-Cave report before the Christmas recess.

T2. [296707] **Mr. Edward Vaizey** (Wantage) (Con): With your indulgence, Mr. Speaker, may I just pass on my condolences to the friends and family of Staff Sergeant Olaf Schmid? Although not a constituent of mine, he was based at 11 Explosive Ordnance Disposal Regiment, which is based at the Vauxhall barracks in my constituency. He was, sadly, killed in Afghanistan on Saturday, and that is a salutary reminder of the dangers that that regiment faces every day.

To follow up on the question put by my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb), I should mention that a distinguished former serviceman in my constituency attempted to access NHS services recently and discovered that the John Radcliffe hospital, his local community hospital and his own GP's surgery were completely unaware of the protocol between the Veterans Agency and the NHS. It took him five months—

Mr. Speaker: Order. We must have a question, with a question mark at the end of it, straight away.

Mr. Vaizey: The question is: given that it took this man five months to see a consultant, will the Minister do the most that he can to ensure that all our GPs and hospitals are aware of this important protocol?

Mr. Kevan Jones: The commitment to priority access for veterans was part of last year's Command Paper. We have made great strides and will be producing the annual report shortly. I will also be announcing on Wednesday that the welfare pathway pilot will be conducted first in Kent, to ensure not only that local government takes the case of veteran servicemen and women as a top priority but that local NHS service providers do so too.

T5. [296711] **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): Could my hon. Friend give me an update on the progress being made generally with the implementation of the Command Paper to which he has just referred and the work of the external reference group?

Mr. Kevan Jones: The annual report will be produced shortly but, as I have said, that is a first step. Building on that, I want to ensure that the service Command Paper is embedded at a local level so that local councils, the NHS and other providers think of veterans when they are formulating policy, and the commitments that we gave in the Command Paper are carried out in practice. Clearly, in some areas that is not happening.

T4. [296710] **Mr. Philip Hollobone** (Kettering) (Con): Is the Secretary of State confident that Pakistan can extinguish the threat from al-Qaeda and the Taliban on its side of the border?

Mr. Bob Ainsworth: As I have said, the Pakistanis should be congratulated on the efforts that they are making, but we should not underestimate the degree to which they have a problem. We have seen a concerted attack by terrorist organisations on the population centres in Pakistan over the past few months, so although the Pakistani military has made considerable progress, the terrorists are far from prepared to give in to the kind of assault to which they are being subjected.

Mr. David Winnick (Walsall, North) (Lab): Is it not necessary, after eight years, to consider what precisely can be achieved by the British troops in Afghanistan? I

am against further troops being sent and I believe that a reappraisal of our entire position there is necessary and what the public want.

Mr. Ainsworth: Although we have been in Afghanistan for eight years, we have only been there in any numbers in the south of the country for the past three years. There has already been a very substantial troop uplift, largely as a result of American troop uplifts in the south in the past year or so. To retreat from a counter-insurgency operation at this point would, I think, be a big mistake.

T6. [296712] **Mr. Andrew Robathan** (Blaby) (Con): On Afghanistan, the Secretary of State has spoken about the inadequacies of the Afghan National police, the corruption of the Government, the difficulties in Pakistan and equipment deficiencies. Although our strategy might be broadly correct, after eight years, does he think that it is working?

Mr. Ainsworth: The hon. Gentleman talks about equipment and does so within the frame of eight years. Enemy tactics change—they have changed considerably and massively in the past year—*[Interruption.]* Yes, ours must change too. To suggest that the equipment that we had eight years ago is applicable to the campaign as it is run today is nonsense.

Paul Flynn (Newport, West) (Lab): The Government's hope is that the endemically corrupt Karzai regime, which has already stolen $20 billion of international aid, will now eliminate corruption among the depraved, drug-addicted thieves of the Afghan police. How will it do that?

Mr. Ainsworth: My hon. Friend preaches a notion of despair as regards anything that can be done in Afghanistan. We need to accept, first—I am not sure that my hon. Friend does—that Afghanistan poses a direct threat to us in the United Kingdom and that something therefore needs to be done, and, secondly, that the entire region, and Pakistan in particular, is massively important to our security in the United Kingdom. I resile from the despair that he preaches.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Will the Secretary of State confirm that the money that was restored to the Territorial Army training budget last week will be committed beyond April next year into the following financial year? When he is looking forward to training budgets, will he bear in mind that units that are based in island communities have needs that relate to recruitment and retention because of geography?

Mr. Ainsworth: We are aware of the geographical needs of the island communities, and we showed that with regard to the decision that was taken on the ranges not so far away. We have not yet settled our budget for next year.

Mr. Lindsay Hoyle (Chorley) (Lab): Would my hon. Friend the Veterans Minister like to take this opportunity to congratulate the Royal British Legion on the 2009 poppy appeal and the benefits that we receive from it?

Mr. Kevan Jones: I certainly would, and I should like to draw the House's and public's attention not only to the poppy appeal, but to the work that the Royal British Legion and other service charities do throughout the year. I should also like to put on record and thank the army of volunteers who work for the Soldiers, Sailors, Airmen and Families Association and for the Royal British Legion who—week in, week out, without pay—assist and help service veterans.

T7. [296713] **Mr. Edward Timpson** (Crewe and Nantwich) (Con): In Crewe and Nantwich, there are a number of veterans who were affected by the British testing of nuclear weapons in Australia and Christmas Island during the 1950s and 1960s. Will the Secretary of State tell the House what progress has been made, as part of the investigation into the health needs of those nuclear-test veterans, with the follow-up to the Rowland report on chromosomal damage, as the Ministry of Defence promised?

Mr. Jones: I announced in a written answer earlier this year that we would set up a study of the health effects and health needs of nuclear test veterans. The British Nuclear Test Veterans Association has been meeting my officials to scope the study. We are now putting it out to tender, to ensure that we get a competent organisation to undertake it, and I will keep the House informed as that work goes on.

Mr. David Hamilton (Midlothian) (Lab): I had the privilege of being in the Gulf with the Royal Navy during the summer recess. The temperature was about 90 to 100°, yet on level 2, naval personnel still have to wear heavy-duty gear all through the summer. Can we not talk to the Australians, Japanese or someone else to consider fireproof, lightweight uniforms, so that naval personnel can be not just comfortable but more effective?

The Minister of State, Ministry of Defence (Bill Rammell): We look at all those issues to ensure that we can do things most effectively, but there is no substitute, and we will not take shortcuts on the safety of our personnel in operation. We will keep looking, but we will not come up with a quick-fix solution that would put people at risk.

T8. [296714] **Mr. Andrew Turner** (Isle of Wight) (Con): Apart from the United States, what representations have been made to other NATO Governments about increasing troop numbers in Afghanistan?

Mr. Bob Ainsworth: Representations have been made and discussions have been held across the piece, not only in NATO but in other ISAF-supporting nations. Some commitments have been made, although they are small at the moment. We await the outcome of President Obama's deliberations on the McChrystal review.

T9. [296715] **David Davis** (Haltemprice and Howden) (Con): The tragic death of Colonel Thorneloe brought back to our minds the scandalous shortfall in helicopters. Over the weekend, it became clear—the Secretary of State himself said—that the Government had had offers of helicopters. So it is clear that this involves a financial resource and therefore a political problem. It should have been answered by a Minister.

Why did they put up Sir Jock Stirrup to answer the question? Will they continue to compound their strategic incompetence with political cowardice?

Mr. Ainsworth: The right hon. Gentleman should have watched the weekend television with a bit more care—my hon. Friend the Minister for the Armed Forces answered questions in this regard as well—and it is clear that we have offers of helicopters for supplies and logistics. What we do not have, and have not had, is an offer of helicopters of the kind of capability and with the defensive aids that would be necessary to ferry our troops around in a very dangerous theatre. That is the point, and the claims made over the weekend are not true.

Sir Peter Tapsell (Louth and Horncastle) (Con): The Secretary of State has repeatedly and rightly said that many things have changed in Afghanistan since our original intervention in 2001. May I put it to him that one of the things that have changed is that Afghanistan is no longer a threat to this country? Al-Qaeda has moved elsewhere; it does not need caves in the Tora Bora mountains now, because it is able to operate from safe homes in four or five different countries, probably including Britain.

Mr. Ainsworth: But the only reason that they are not in Afghanistan is because our troops are there. If they were not there, the Afghan Government would not be capable of standing up on their own. They would fall. There is a high risk that the Taliban Government would be back, and those camps would therefore be welcomed back in Afghanistan and would resume the position of threat that they once held.

Ms Dari Taylor (Stockton, South) (Lab): The statement on helicopters last week suggested to the House that we are seriously looking at cutting expenditure—those were the reports in the press over the weekend—and that the MOD staff are not on top of the issue. I would like reassurances that those reports are nonsensical.

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): The position on helicopters is clear. Let me say solemnly to the House, because this is an important matter, that no commander, no senior officer, has ever said to me in Afghanistan or here—that includes Sir Richard Dannatt, who I think has a certain credibility with those on the Opposition Benches—that there are insufficient helicopters in theatre to enable our troops to fulfil their mission, but all the commanders would like to have more. That is why we are supplying more. The House has already heard the figures for the past three years—an increase of 60 per cent. in helicopters and of more than 80 per cent. in helicopter hours available. On top of that, in the past year or so, we have refitted the Lynx helicopters with new engines—22 of those, which will be available next year—

Mr. Speaker: Order. If the hon. Gentleman will forgive me, I think we have got the thrust of the message.

Mr. Peter Bone (Wellingborough) (Con): In October 2007 the Government ranked the Ministry of Defence as the sixth most important Department. Last week it was revealed that it is now the 21st most important Department. Why on earth have the Government taken this action?

Mr. Bob Ainsworth: We have not. That is nonsense.

Advisory Council on the Misuse of Drugs

3.31 pm

Chris Grayling (Epsom and Ewell) (Con) *(Urgent Question):* To ask the Home Secretary if he will make a statement about the dismissal of the chairman of the Advisory Council on the Misuse of Drugs.

The Secretary of State for the Home Department (Alan Johnson): There is no question but that, since its establishment in 1971, the independent and expert advice of the Advisory Council on the Misuse of Drugs has been invaluable to the successive Governments whom it has served. Later today the House will consider imposing greater controls on the party drug GBL, BZP and synthetic cannabinoids, all in accordance with advice from the council.

Of the 21 recommendations that the council made in its report "Cannabis: Classification and Public Health", published in April 2008, the Home Office accepted 20 and rejected one, on classification. Of the 13 recommendations made in its report on ecstasy in February 2009, the Home Office accepted 11 and rejected two—one on classification and the other on the recommendation to explore a national scheme to enable drug testing of ecstasy tablets and powders for people's personal use.

I asked Professor Nutt to resign as my principal drugs adviser, not because of the work of the council but because of his failure to recognise that, as chair of ACMD, his role is to advise rather than to criticise Government policy on drugs. In February, while awaiting publication of the Government's position on the classification of ecstasy, of which he was already aware, Professor Nutt published an article and addressed the media on the appropriateness or otherwise of the Government's policy framework, expressing a view that horse riding was more dangerous than ecstasy.

On Thursday 29 October Professor Nutt chose, without prior notification to my Department, to initiate a debate on drugs policy in the national media, returning to the February decisions and accusing my predecessor of distorting and devaluing scientific research. As a result, I have lost confidence in Professor Nutt's ability to be my principal adviser on drugs. I stress again that his dismissal is not a reflection on the work of the committee. I have since been in contact with the ACMD and have agreed to meet them shortly.

There is no doubt in my mind that the advice of independent scientific advisers is essential to substantial aspects of the Government's work. I had the privilege of working with Professor Sir Liam Donaldson and Professor John Beddington during my time as Secretary of State for Health, and with Professor Sir David King when I was at the Department of Trade and Industry. The role of such advisers is to provide independent advice to Government based on the advisers' professional, scientific expertise. The role of Government is to consider that advice carefully, along with all other relevant factors, and for this House to endorse or reject those decisions where appropriate.

Chris Grayling: Let me start by reiterating my view that the Home Secretary's decision on Friday regarding Professor Nutt's future was the right one. Independent scientific advice is important, but those who take on formal roles with the Government have to be extremely cautious about the things that they say. Professor Nutt's comments earlier this year, comparing the risks of ecstasy with those of horse riding, were particularly ill judged. The issues that the council deals with are highly sensitive, and there are very divergent opinions out there, so there is a clear responsibility to act cautiously, and be mindful of the fact that messages given by official advisers can and will influence the behaviour of the public.

However, I find it very surprising that, after the issue arose for the first time, last February, inadequate efforts appear to have been made to sort out how to deal with the sensitivities surrounding the council's work. There also appears to have been a complete breakdown of confidence between the Home Secretary and his advisers.

How on earth has the Home Secretary managed to get himself into a position where he is having such an unseemly row with several leading scientists? Surely the Home Office did not do enough on the issues that emerged last February, after Professor Nutt's controversial comments, to ensure that the situation could not arise again. Did the Home Secretary personally meet Professor Nutt to try to ensure that the problems were not repeated? If so, what went wrong?

The Home Secretary today mentioned an inquiry that was set up three weeks ago into the transparency and communication of the council's advice. Why did the Home Office wait nine months to set up such an inquiry after the issue first arose, and will the remit of that inquiry now change after what has happened? Finally, has he received from other members of the council any indications that they too intend to resign?

Alan Johnson: I think I thank the hon. Gentleman for his support—although actually, I am not sure whether to or not. He asked a number of questions. First, in February, my predecessor, my right hon. Friend the Member for Redditch (Jacqui Smith), wrote to Professor Nutt and made clear her dissatisfaction. Indeed, she expressed it to this House in response to my right hon. Friend the Member for Leicester, East (Keith Vaz), the Chairman of the Select Committee on Home Affairs, who is not in his place at the moment. She made it clear that she found Professor Nutt's behaviour unacceptable and did not expect it to happen again. In relation to the latest event, that behaviour has happened again. Professor Nutt is a man whom I respect, and he is very learned in his field, but, much to my regret, he published a paper without any notification to my Department, contrary to the code of practice under which he was appointed.

Chris Huhne (Eastleigh) (LD): It is not true.

Alan Johnson: Yes, it is true, and the hon. Gentleman should wait his turn before interfering.

The situation to which I just referred was a re-run of February, and I lost confidence. I did not have a meeting with Professor Nutt. I have had meetings with him, but on that occasion, what needed to be done—my conveying my loss of confidence in him—needed to be done very quickly.

There is no inquiry into the Advisory Council on the Misuse of Drugs; there is a Cabinet Office review of all non-departmental Government bodies. It used to be called the quinquennial review, and the current inquiry is happening just as a matter of course. It is not at all associated with these developments.

Chris Huhne: Both the Home Secretary and the hon. Member for Epsom and Ewell (Chris Grayling) have missed the point. The hon. Gentleman is at risk, indeed, of becoming the Home Secretary's Mini-Me, because today he again insisted that the only difference between them was that he thought Professor Nutt should have been sacked sooner. The Government do not want evidence, and the official Opposition want even less evidence even more quickly.

The Government rely on objective, impartial and unpaid advice from leading experts on everything from nuclear safety to mad cow disease, and the comments to which the right hon. Gentleman and hon. Gentleman object were in no way contrary to the Advisory Council on the Misuse of Drugs code of practice or the general code of practice for advisory committees. The Home Secretary signally failed to give us chapter and verse on that or to mention it in the letter that he sent to Professor Nutt.

Professor Nutt's specialism is the relative harm of drugs, and his so-called campaigning vehicles were the peer-reviewed *Journal of Psychopharmacology* and a lecture at King's college London. If scientists advising the Government are not allowed to write in learned journals and lecture at universities, does the Home Secretary agree that very few will be prepared to accept such absurd restrictions?

Why did the Home Secretary fail to consult the Minister for Science and Innovation, Lord Drayson, before blundering into this area and imperilling independent scientific advice across the Government? Will he apologise to Professor Nutt and set up the advisory council on a clearly independent basis to ensure that he does not recruit an army of nodding yes-men? Will Ministers now agree to a code of practice to stop themselves being ludicrously thin-skinned if they foolishly choose policy options that are not supported by the scientific evidence?

Alan Johnson: Piety and pomposity in equal measure. The Government, and I in particular, have listened to scientific advice. We took through the Human Fertilisation and Embryology Act 2008, and there was an awful lot of science in that. We respect the views of scientists, and we have respected the views of scientists in every aspect of Government policy. Our principal advisers—whether Sir David King, John Beddington, Sir Liam Donaldson or Professor Nutt—have to be clear that when they are appointed to such a crucial and privileged job—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the Home Secretary. I must say to the hon. Member for Eastleigh (Chris Huhne) that he is unduly overexcited this afternoon—uncharacteristically so. He has had his say—*[Interruption.]* Order. I do not need any help from hon. Members on the Government Back Benches. The hon. Gentleman has had his say with force, and he now needs to listen to the response from the Home Secretary.

Alan Johnson: Thank you, Mr. Speaker.

When such esteemed professionals take on such a job, they have the Government's ear. They have a very important role in influencing the Government, and they must exercise it with care and caution. It would be quite wrong for advisers to undermine the Government as well as advise them.

There is absolutely no question about Professor Nutt's right to express his views. He has a view on relative harms, which I do not share; he has a view on ecstasy, which I do not share; he has a view on cannabis, which I and the majority of the House do not share. We are not talking about his right to express those views—he can do that. What he cannot do is confuse his role as a Government adviser, and confuse it in the public mind by continually criticising the Government's framework, agreed by this Parliament, on tackling drugs. That is quite wrong. Sir David King did not do that when he recommended nuclear new build and the Government at that time did not agree to it. Sir Liam Donaldson has not done it on numerous occasions, including most recently when he proposed the introduction of unit pricing for alcohol; his proposal was produced, and it was public knowledge and transparent, but he did not go out and campaign against the Government for having refused to accept his policy.

My final point is about what Professor Nutt did last week at King's college; incidentally, he was opposed by Professor Robin Murray, the head of psychiatric research, who takes a completely different view. What Professor Nutt did there was to criticise my predecessor, criticise the Prime Minister, criticise the Government and undermine the whole framework of Government policy. That was wrong, and as a result I have lost confidence in his ability to advise me.

Several hon. Members *rose—*

Mr. Speaker: Order. Lots of Members wish to take part in this urgent question and very little time is available. As usual, I am looking for single, short supplementary questions without preamble—and, of course, for brief replies.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): If my right hon. Friend had taken Professor Nutt's advice and lowered the categorisation of cannabis, and if as a result more young people had started to use it, would not that have been irresponsible?

Alan Johnson: Yes, I think it would have been. That is why my predecessor decided not to take that advice and why that decision has been endorsed by this Parliament.

Sir Patrick Cormack (South Staffordshire) (Con): As the Home Secretary comes under attack, will he remind himself that it was Churchill who said that scientists should be on tap and not on top?

Alan Johnson: I am grateful to the hon. Gentleman for reminding me of that; I will bear it in mind in the doubtless happy days ahead.

Hilary Armstrong (North-West Durham) (Lab): Will my right hon. Friend confirm that Professor Nutt does not hold a universal scientific view of the impact of cannabis or of ecstasy?

Alan Johnson: Yes, of course. I just quoted Professor Robin Murray, who believes—I think it is absolutely irrefutable—that the incidence of schizophrenia among the cannabis-smoking population is much higher than among the rest of the population. The causal link is increasingly clear and will, I am sure, become well established in a very short time.

David Davis (Haltemprice and Howden) (Con): May I give unequivocal support not only to the Home Secretary's decision but to the reasoning behind it? He is obviously familiar with Professor Robin Murray's comments, which imply that the ACMD did not do a very good job in surveying the evidence previously. I know that the Home Secretary will want to be diplomatic to the council now, but will he please ensure that he also takes evidence from others when he makes his decisions in future?

Alan Johnson: The ACMD has done a good job, but of course it is the politicians' job to take into account a whole range of other views, not just the views of the scientific community but the views of—*[Interruption.]*

Dr. Evan Harris (Oxford, West and Abingdon) (LD): Focus groups.

Alan Johnson: "Bogus views", says a Liberal Democrat Member. *[Interruption.]* I was going to say the views of Parliament and the views of the public—if those are considered to be bogus, then I beg to differ.

Dr. Stephen Ladyman (South Thanet) (Lab): As a Member with a scientific background, I would be the first to say that science must inform the decisions that it can inform. However, does my right hon. Friend agree that many parts of complex decisions cannot be measured or tested scientifically and may require a more subjective judgment that Ministers have to apply? Will he write to other scientific advisers in the Department to make them aware of that distinction?

Alan Johnson: I will reflect very carefully on the points that my hon. Friend has made. It is important to recognise, however, that we have an issue with one particular scientific adviser, and that in no way reflects on any of the other many advisers that we have from the scientific community. I would not like this to be classified as a more general problem than it actually is.

Dr. Richard Taylor (Wyre Forest) (Ind): Is the Home Secretary satisfied that this episode does not risk putting off other experts from acting as independent Government advisers?

Alan Johnson: I sincerely hope that it does not, once it has been explained exactly why this episode has occurred and a contrast is drawn with all the reams of other scientific information that we receive. We must be very clear that this is not about the advice that was given by Professor Nutt or anybody else; it is about the way in which Professor Nutt conducted himself in his very important position as the chief Government adviser on drugs.

Meg Munn (Sheffield, Heeley) (Lab/Co-op): Recently I went with the police in Sheffield to observe a raid on a property where cannabis was being grown. The local people were relieved that that had happened and that that activity was to be stopped. Is it not important, in formulating policy, that the Government take account of the wider implications of drugs?

Alan Johnson: The simple answer is yes. My hon. Friend is absolutely right. That is why we cannot possibly be expected to accept every single recommendation from every advisory body. The important point is that we treat those recommendations seriously, and respect that advice, not whether we reject them.

Adam Afriyie (Windsor) (Con): Was it made clear in Professor Nutt's employment documents, in the code of conduct or in writing that he was not permitted to speak on these issues in the public domain?

Alan Johnson: No, it was not. He is entitled to speak on these issues in the public domain provided he is very clear that when he is speaking personally he is not speaking for the advisory council—that was certainly a pertinent point in his actions last week—and that if he is publishing any documents that in any way relate to the Government framework we get first sight of them, and that did not happen. There are a number of measures; one cannot lay out every single dot and comma of how a relationship should work. All I would say is that since 1971 this particular council, and its chairs, has worked very well for successive Governments, but the situation broke down on this occasion.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does this saga not indicate that what we need in this country is a straightforward and honest debate about whether the Misuse of Drugs Act 1971, now almost 40 years old, and the A, B and C classification that is wrapped up in it are fit for purpose in this century? Please can we have a debate on drugs policy? It is a long time since we did so in the House.

Alan Johnson: I disagree with my hon. Friend in that I do not believe this episode suggests that there should be a review of the 1971 Act. There may or may not be other reasons why an Act that is almost 40 years old needs review, but this episode should be seen in its context of one individual Government adviser acting in a way that I believe undermined the Government rather than supported them in their work.

Dr. Evan Harris: If a scientist is appointed a Government adviser but then told that what he says is dependent on the Government's policy, how can he be an independent scientist when advising the Government?

Alan Johnson: I did not say that, but I can say what Government advisers should not do. Once a decision has been made on their recommendations, that is it; they should get on with being the Government's adviser, not continually return to that decision and seek to undermine the Government's framework. That is quite wrong, and Sir David King, who was an eminent chief scientific adviser to the Government, said as much on Friday evening in reference to this case. A calmer, more rational view, which may be impossible from the hon. Member for Oxford, West and Abingdon (Dr. Harris), will suggest that we are in no way attacking science or scientists. We are dealing with one particular case.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): It seems to me that Professor Nutt has been campaigning for the normalisation or deregulation of recreational drugs. Does the Home Secretary agree that membership of the advisory council should be subject to a strict register of members' interests and a strict ethical code

[Jim Dobbin]

on conflicts of interest, particularly financial links to the pharmaceutical industry, so that scientific independence is demonstrated?

Alan Johnson: We have a code and it has stood the test of time. Perhaps we should look at it again because it is getting frayed at the edges after so long, but it has stood us in good stead and I would interfere with it reluctantly. I really do not think this incident suggests that the code of practice, how the advisory council does its work or how the Government receive scientific advice are wrong. It is about how one particular individual takes on their responsibilities and, in this case, has failed to keep the confidence of the Minister involved.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): The Government's chief scientific adviser is Professor John Beddington, who in February criticised the former Home Secretary for the way in which she treated Professor Nutt. Did the Home Secretary discuss the sacking of Professor Nutt with John Beddington before carrying out that act this weekend?

Alan Johnson: I did not discuss it with anybody. It was my decision; he was my adviser and I decided that he had lost my confidence by his actions. It is my confidence that he has to keep, and nobody else's, so I took the action that I am perfectly entitled to take as Home Secretary. I have huge respect for John Beddington, who I believe is abroad at the moment on his work, and I will obviously talk to him on this and other occasions.

Dr. Nick Palmer (Broxtowe) (Lab): Does the Home Secretary agree that although he is entirely entitled to have any adviser whom he chooses and has confidence in, the problem is that the wider public do not get a great deal of independent scientific advice? This kind of incident can weaken the credibility of independent bodies.

Alan Johnson: I do not agree with my hon. Friend. The public get a lot of views and comments from all over the place. One can think of various debates, most recently those on the Human Fertilisation and Embryology Act. There is no absence of views from scientists. It is important to be clear that when someone is the chair of an advisory committee to the Government, their views must not be confused with those of the Government and the public must be clear about their role in that advisory capacity. That is the problem, not a lack of information on the various views in the scientific community.

Pete Wishart (Perth and North Perthshire) (SNP): Can the Secretary of State tell me what I am supposed to say to my constituents following this unedifying spat? He will know that young people in particular are very sensitive to mixed and inconsistent messages on drugs issues. God knows what they are thinking of this chaos. When will the schoolboy squabbling end and the proper adult debate on drugs begin?

Alan Johnson: I would tell them what the leading Scottish drugs expert said this morning. Professor McKeganey, director of the Centre for Drug Misuse Research at Glasgow university, who is the adviser on drugs to the Scottish National party Government in Scotland, said that while it is Professor Nutt's right as an academic to state his views on drug risks,

"it is not his right to publicly undermine the decisions taken in relation to those drugs by ministers".

Tell them that—it is perfect!

Several hon. Members *rose*—

Mr. Speaker: Order. We now come to the statement by the Prime Minister.

European Council

3.55 pm

The Prime Minister (Mr. Gordon Brown): First of all, I am sure the whole House will want to join me in sending our condolences to the family and friends of Staff Sergeant Olaf Schmid, of 11 Explosive Ordnance Disposal Regiment, who died in Afghanistan on Saturday afternoon. As we come closer to Remembrance Sunday, we recognise that we owe him and all who have given their lives in the service of our country, and indeed everyone who has served in our armed forces, an immeasurable debt of gratitude.

With permission, Mr. Speaker, I would like to make a statement on the European Council held in Brussels last Thursday and Friday. The Copenhagen climate change conference, for which the European Council was preparing, is now less than 40 days away. If carbon emissions are to be reduced and dangerous climate change averted, it is essential that we achieve an ambitious, comprehensive and binding agreement. Concluding a climate change deal will also drive investment in the low-carbon economy and speed up world economic recovery. It will demonstrate that, as at the G20, the world can come together to address the great global challenges that we face together.

In all of this, European Union leadership is fundamental, and now, as we approach Copenhagen, we need to drive forward the negotiations. Let me explain the urgency: to achieve the ambitious, effective and fair deal we need, it is not only developed countries which must act; developing countries too must cut their emissions, reduce deforestation and be able to adapt to climate change. However, to enable them to make an offer by December, we as a European Union and as developed countries need to make a credible offer of financial assistance to them now. That is why earlier this year I proposed a long-term financial agreement between developed and developing countries. On Friday last week the European Council agreed to put on the table for Copenhagen three conditional offers. First, we agreed that Europe will contribute its fair share of the costs of mitigation and adaptation in developing countries, and we endorsed the European Commission view that these are expected to require—including the developing countries' own contributions—around £100 billion of private and public finance annually by 2020.

Secondly, we set out our offer of public finance, agreeing that the overall level of the international public support required to make sure that a Copenhagen deal would benefit developing countries is estimated to lie in the range of €22 billion to €50 billion per year by 2020.

Thirdly, we agreed that we should start support immediately to help developing countries cut carbon emissions and adapt to climate change, contributing over the next three years, as a European Union, our fair share of a global fast-track initiative of €5 billion to €7 billion per year.

These offers are rightly conditional on

"other key players making comparable efforts",

and on developing countries coming forward with substantial commitments on emissions reductions. Importantly, the Council also agreed that climate financing should

"not undermine or jeopardise the fight against poverty and continued progress towards the Millennium Development Goals",

and as the United Kingdom has proposed, the Council supported the establishment of a high-level body under the United Nations to provide an overview of international sources of climate financing.

The European Union has already committed to cut our emissions by 30 per cent. on 1990 levels by 2020 as part of the right international agreement. Now these financial offers yet again show the determination of the whole European Union to ensure an ambitious climate change deal in Copenhagen.

I can also report that the Council agreed that at the time of the next accession treaty, the protocol on the charter of fundamental rights will be applied to the Czech Republic. The next step is for the Czech constitutional court to make its ruling, which is rightly a matter for that court. I believe that we have made real progress, but it is only after we are sure that the treaty will come into force that a new European Commission will be appointed and the Council will be able to appoint its new president.

Investment across Europe is forecast to contract by 10 per cent. this year with an expected loss of 8.5 million jobs. So at the European Council we had to decide first whether we should withdraw the fiscal stimulus now or maintain it until recovery was secured. We agreed unanimously—with no country dissenting—that

"the supporting policies should not be withdrawn until the recovery is fully secured."

Secondly, we had to decide whether to support public investment to maintain jobs in our economy or simply to let the recession take its course. The Council agreed unanimously to draw up a

"European strategy for jobs and growth"

with

"continued political commitment to active labour market policies".

We also agreed to take all necessary measures to

"prevent high unemployment levels from becoming persistent."

Thirdly, within our commitment to action for fiscal sustainability once the recovery is assured, we also agreed on the need for active industrial strategies to ensure

"investment in the industries and jobs of the future",

including low-carbon technologies, advanced manufacturing and the digital economy.

We stressed the importance of new measures that would

"strengthen the internal market"

and help growth in our services as well as our industries, and we affirmed the need to

"promote increased trade".

In addition to the completion of the Doha trade round next year, progress on bilateral trade deals and the recent trade agreement with Korea will create up to €20 billion in new export opportunities for firms across the European Union.

We also agreed on reform of our banking systems, which includes putting in place new rules on capital and liquidity and bonuses. We also agreed to the continuation of work to strengthen the supervisory framework in the European Union, following the decisions taken at the Council in June.

[The Prime Minister]

The Council also expressed its deep condolences to the families of those killed in last week's Taliban attack in Kabul. We reaffirmed our determination to fight terrorism in every part of the world and our resolve to see our commitments through in Afghanistan. And we emphasised our

"confidence in the United Nations' leadership in coordinating the international community's efforts".

We welcomed plans to

"strengthen the civilian capacity of the state institutions in Afghanistan and Pakistan"—

something that has been at the heart of British efforts in recent years. And the European Council expressed its concern about the security situation in Pakistan and reiterated Europe's readiness to assist further the displaced members of the Pakistan population.

This afternoon, I have spoken to President Karzai and discussed the importance of moving quickly to set out a unity programme for the future governance of Afghanistan. Afghanistan now needs new and urgent measures for tackling corruption, strengthening local government and reaching out to all parts of Afghan society, and to give the Afghan people a real stake in their future. President Karzai agreed with me that Afghanistan now needs to strengthen its army and police numbers so that over time we can reduce the number of British troops.

Finally on Iran, the Council expressed its

"continuing concern about the situation of staff members of European Union missions and European citizens in Iran who recently have been on trial"

and called, in support of our efforts, for

"their prompt and unconditional release".

We reaffirmed our

"grave concern over the development of Iran's nuclear programme"

and over Iran's

"persistent failure to meet its international obligations."

Once again, we have shown that by acting not alone but together, by working not against our mainstream European partners, but with them, and by putting Britain not on the fringes of Europe, but at the heart of Europe, Britain will be stronger, and Europe and Britain will be better off for that.

Mr. David Cameron (Witney) (Con): May I join the Prime Minister in paying tribute to Staff Sergeant Olaf Schmid, killed in Afghanistan at the weekend? We owe a debt of gratitude to him and his family that we must never forget.

In Afghanistan, now that Hamid Karzai has been confirmed as President, will the Prime Minister ensure that our support for the Karzai Government is not a blank cheque, but is contingent on serious progress being made on tackling corruption and upholding the rule of law? I want to ask the Prime Minister about the three main issues that were raised at the summit, climate change, the economy and the Lisbon treaty, and of course the two words that did not pass his lips—Tony Blair—because I cannot believe that the Prime Minister did not mention the one issue that seemed to be discussed wherever the leaders met: who should be the president of Europe. When considering his efforts to get Tony Blair the job, will most people in Britain not feel that it is completely unacceptable to see an unelected Prime Minister pushing for an unelected president, under a treaty that no one was allowed to vote for?

Climate change is an area where the EU has a vital role to play. Will the Prime Minister confirm that it already has the powers that it needs to do so? There is nothing in the Lisbon treaty that adds anything to the EU's ability in this area. We welcome the commitments on carbon reductions, which were repeated at the summit, and the agreement on the €100 billion climate change fund. However, is it not the case that, despite that headline figure, there was no agreement on which European countries should pay what or by when, and that there was no firm commitment on the financial help to be given in the vital first three years after an agreement at Copenhagen is signed? The Swedish Prime Minister seemed to say that the European contributions would only be voluntary. Can the Prime Minister explain what that meant?

Next, on the economy, the Prime Minister said at his press conference that there was a target of 10 million new jobs in Europe by 2014. Yet is it not the case that unemployment in the UK is now higher than it was in 1997, that 5 million people are on out-of-work benefits and that we have practically the highest youth unemployment in Europe? When he looked across the table at other EU leaders, did he recall that Belgium, the Czech Republic, Greece, Poland, Portugal, Sweden, France and Germany have already come out of recession, while Britain is still stuck in recession?

Last Wednesday the Prime Minister said in this House:

"We always said that we would come out of recession by the end of this year."—[*Official Report*, 28 October 2009; Vol. 498, c. 278.]

That simply is not right. The forecast last autumn was for recovery in July. This June he said that Britain was

"leading the rest of the world...out of recession."—[*Official Report*, 3 June 2009; Vol. 493, c. 268.]

Will he now confirm that he got it completely wrong? While we are still in recession and other countries in the EU grow, will he also confirm that we are forecast to have practically the highest budget deficit in the whole of Europe next year?

The summit conclusions endorse the ECOFIN statement that some countries should start to rebuild their public finances before 2011. As we are forecast to have the largest deficit in the whole of the OECD next year, should that not include us? Is it not the height of irresponsibility to sit there, as the leader of a lame duck Government with deteriorating public finances, making pledge after pledge of further public spending and never saying anything about how he would deal with the crisis that he has created?

The third issue is Lisbon and whether Europe needs a president. Does this debate not tell people all that they need to know about this Government? On the one hand, the Government went round saying that the treaty was just a tidying-up exercise, that there was no threat to national sovereignty and that the constitutional principle had been abandoned. But on the other, now we see the Prime Minister using all his offices to try to foist on Europe an executive president, with every intention of maximising the power of this new office. Is it not the case that the Government have not been straight on the treaty from start to finish?

The only silver lining is that the bid to make Tony Blair president seems to have got into a bit of difficulty. Just a few days ago it was all going so well—

The Minister for Europe (Chris Bryant): Who's your candidate?

Mr. Cameron: Who is my candidate? Perhaps the hon. Gentleman—never someone to go naked into the conference chamber.

It was all going so well. As the Prime Minister left for Brussels, one British official was quoted as saying:

"Tony Blair is the ideal candidate and he has a lot of support from all quarters...It is hard to see how he can be stopped."

Shortly afterwards, the Prime Minister gave Tony Blair his personal backing. He threw the weight of the Government spin machine behind the Blair campaign. He broke into his schedule to appear before the Party of European Socialists. He told them all to "get real" and back Tony Blair. Ever since then, Tony Blair's campaign has been in free fall. Does that not demonstrate an eternal truth in British politics: that no cause is truly hopeless until it is endorsed by this Prime Minister?

The Prime Minister: Once again, not one policy from the Opposition—it is all about personalities, never anything about policy. Let us first turn to Afghanistan. I did say earlier that I had talked to President Karzai and I did say to him that it was absolutely essential that he brought forward a unity programme that would include tackling corruption, strengthening the anti-corruption commission and taking action in individual areas, as well as bringing forward measures to strengthen local government. Of course, it is also important to us to build up the army from 90,000 now to 135,000 and to build up the police force, which is under 100,000 at the moment but is not sufficiently effective. So we have made the offer of further troops in Afghanistan conditional on Afghanistan showing that it can deal with its problems by making available new forces to be trained. At the same time, we await the decisions that will be made in other capitals about their contribution to the next stage of Afghanisation, which is increasing the number of Afghan troops but allowing them to be trained by forces from Britain and other countries.

I am also grateful for what the right hon. Gentleman said about climate change. It is absolutely essential that we come together to make sure that we have a deal at Copenhagen, but European leadership and European unity in this are absolutely crucial. The right hon. Gentleman asked whether the 2020 deal was a voluntary one. No, it is not. What is voluntary is the fast-track offer, which is the offer for the first three years according to which different European countries will choose to make their own contributions. But, again, a deal at Copenhagen is possible on finance only because Europe, as a European Union, has led the way in making that finance available.

When it comes to the economy, I just have to say that the Government support fiscal action continuing. The right hon. Gentleman's party wants to withdraw the fiscal stimulus; I found no support in any country in Europe for withdrawing the fiscal stimulus now. His party has refused to back direct action using Government funds against unemployment; I found no party in Europe supporting that action either. His party, of course, has rejected many of the proposals that we have brought forward to deal with the recession; I find support for what we are doing in Europe, not support for the Conservative position.

The right hon. Gentleman also mentioned the Lisbon treaty and its ratification. We know the position of the Conservative party. Its leader said:

"I will give this cast-iron guarantee: If I become PM a Conservative government will hold a referendum on any EU treaty that emerges from these negotiations."

That is the position of the Conservative party—*[Interruption.]*

Mr. Speaker: Order. Mr. Grayling, contain yourself and try to exercise what self-restraint you can muster.

The Prime Minister: Whenever the word "Europe" is mentioned, the Opposition seem to become both extreme and wild in the actions that they take.

The right hon. Gentleman is demanding a referendum on Lisbon. He is also—I see Back Benchers nodding, but not the Leader of the Opposition—demanding withdrawal from the social chapter and from European Union employment legislation, for which he would need the agreement of every one of the 26 other countries in the European Union. When the challenge is actually to secure growth, a climate change agreement and greater security from the European Union, is it going to be the best use of British influence to fight yesterday's battles the minute that the European Union has moved on from them when there is so much that we have to do to promote jobs, growth and trade? Is it really in the British national interest for the Conservative party to leave aside the alliances that it has had for years with the Christian Democrats in Germany and with President Sarkozy's party in France and to go into an alliance with a small group on the far right of Europe? The only reason the Conservatives are doing that is not in the national interest; they are putting their own party interests first and letting Euroscepticism take over their party. If they had really changed, they would have changed on Europe, and just as they are wrong on the recession, they are wrong on Europe as well.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I should like to thank the Prime Minister for his statement and, of course, join him in sending expressions of sympathy and condolence to the family and friends of Staff Sergeant Olaf Schmid, who tragically lost his life in Afghanistan this week.

On Afghanistan, I note that the Prime Minister has already called President Karzai to congratulate him today on his unopposed continuation as president of that country, but surely the Prime Minister must recognise that Karzai simply cannot lead the dramatic change in direction that Afghanistan needs unless he commits now to work with his opponents, including Dr. Abdullah, to reach across ethnic and tribal divisions, stamp out corruption and start to build the legitimate institutions of central Government that Afghanistan so desperately lacks. The only way to do that is to commit now to a Government of national unity, and not the vaguer "unity programme" to which the Prime Minister just referred. What pressure are the Government bringing to bear on the Karzai Administration to make that happen? Or is the Prime Minister going to ignore the lack of

[Mr. Nick Clegg]

legitimacy of the Karzai presidency and so risk failure for our brave troops as they try to prop up a Government in whom no one believes?

Turning to the rest of the weekend's summit, the event was remarkable for two reasons: first, the discussion of the historic negotiations to be held in Copenhagen; secondly, the Government's misguided attempt to install Tony Blair as president of Europe. On Copenhagen, I welcome in principle the agreement on a funding package to help developing countries to fight climate change, but does the Prime Minister not see that the European Union's leadership in this area is in jeopardy while he and other leaders remain silent on how the cost of those proposals for adaptation and mitigation will be met in practice? What consideration has he given, for instance, to funding these commitments, in whole or in part, through a tradeable levy on maritime and aviation fuels? Is it not time we asked the aviation and shipping industries, which currently remain outside any international carbon fuel levy system, to pay for the damage that they cause to our environment by asking them to help to fund the fight against climate change in the developing world?

On the second issue, I congratulate the Prime Minister on what turns out to have been a very cunning plan indeed to block the career aspirations of his predecessor. Does he agree, however, that the outcome of the discussions on Tony Blair has been to strengthen Britain's hand in arguing for the position that we should have been lobbying for in the first place—that of the High Representative? The president will be a glorified chairman, without his own resources, like an admiral without a navy, but the High Representative will have real powers—a general with troops, by comparison. So will the Prime Minister confirm that that is the job that we are now aiming for? Will he also give us an indication of who he would like to see in the role? We all know that he is pushing the right hon. Member for South Shields (David Miliband), but will he also look beyond his party ranks for other candidates—[Hon. Members: "Hurrah!"] No, no, no—that is for another day. I meant other candidates such as Lord Patten, who I am sure would be welcome on these Benches, or indeed Lord Ashdown.

The Prime Minister referred to the summit's deliberations on banking. When I asked him a couple of weeks ago, he refused even to contemplate splitting up the banks, yet it is now clear that the European Commission is driving forward a process to break them up. Will he explain why, if he is willing to hive off huge divisions of the banks at the behest of Europe, he will not go the whole way and separate retail and investment banking completely? Why will he not split up the banks in the only way that would protect the public interest for good?

The Prime Minister: I do not think that there has ever been a more public application for a European job than what we have heard this afternoon. I could see the sense of opportunity in the eyes of the right hon. Gentleman's colleagues as they thought about his future prospects.

On climate change, we have done more than any continent in the world to put forward proposals to sort out a major problem that has to be addressed—the financing gap. If developing countries are to be persuaded to make their use of energy more efficient, and if they are to be given help to deal with adaptation, it is essential that we put an offer on the table. So Europe has done three things: it has put an offer on the table relating to the overall funding required; it has now said what the public amount of that money would be; and it has said that it will be engaged in giving fast-track financing. So the process would start even before the new treaty would come in. We have also made it clear that Europe would pay its fair share of that money. We are therefore further on in pushing this forward than any other continent. We need other continents to respond to this but, most of all, we put this offer last week because we want the developing countries to consider what offers they can make to reduce their carbon emissions by the time they get to Copenhagen. Europe has taken the lead on this matter, and while the right hon. Gentleman wishes us to do more, he would be right if he said that Europe had taken the first steps towards the necessary financial agreement.

On Afghanistan, I made it clear while talking to President Karzai twice this weekend that we are expecting him to take strong action on tackling corruption in his own country. This is what Afghanistan is about: it is not simply a country that requires national Government; it requires good effective local government and good provincial and district governors, and we expect the appointments of those people to be in line with the needs of the country. That includes tackling corruption and getting the economy and social facilities moving. For us, it is also crucial that the Afghan Government agree to train more troops and more police. The way that we will be able to deliver greater security to the Afghan people, to prevent a Taliban Government from returning to power and to prevent al-Qaeda from having a greater foothold in the country is by building up the strength of the Afghan forces.

I hope that the right hon. Gentleman will appreciate that these messages to President Karzai are very clear. He will, of course, make a speech tomorrow and then there will be his inauguration address. I hope that what we have asked him to do and what he has agreed to do—it is also what he wants to do—will be included in that address.

As far as the European Council is concerned, let me be absolutely clear. The Lisbon treaty is not yet ratified. When it is ratified there will have to be a meeting of the European Council, and only at that stage will decisions be made about either the presidency of the Council or the future of the Commission. Unlike some Conservative Members, I hope that the Czech Government will be able to ratify the treaty very soon. I hope that we can see a decision from the Czech constitutional court tomorrow, and were that to be the case, I would expect ratification to proceed very soon afterwards. We will then be able to make decisions on these important positions in the European Union as soon as possible. It is not in anybody's interest to have no Commission re-nominated for the future; we will be electing a president of the Council for the first time.

Several hon. Members *rose—*

Mr. Speaker: Order. Many Members wish to take part, so I am looking for brief questions and, of course, brief replies.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): May I congratulate the Prime Minister on a generally very satisfactory outcome to the European Council's meetings, and may I press him on Afghanistan? How are we going to eliminate corruption there as long as the President—and particularly his brother in Kandahar—remain in office? It is difficult, I know, but this has to be confronted one way or another.

The Prime Minister: I agree with my hon. Friend, who has taken a big interest in this matter. It is very important to appoint district and provincial governors who will take action to build up facilities in health, education and schools in the areas for which they are responsible, but it is also important to prevent drug barons and those who would practise corrupt activities from either seizing power or influencing those who have power. Therefore, part of the programme for Afghanistan must be to match anti-corruption activity at the centre with ensuring that local government is in the hands of those who are responsible to the people and not connected to the country's drug overlords.

Mr. John Redwood (Wokingham) (Con): Will any British bank be cancelling bonuses this year in the light of the decision on banking bonuses?

The Prime Minister: The right hon. Gentleman knows the G20 decision on this matter, which is that bonuses can be earned, but only over a three-year period and subject to clawback and to being paid not in cash, but in shares. Those are the issues that we are now debating with the banks in Britain.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Is the Prime Minister aware that many of us who are in favour of a referendum on the Lisbon treaty before it is signed intend to remain in favour of a referendum on it even if it is signed? Does he agree that those who capitulate and decide to change their position simply because the treaty has been signed are, in fact, betraying not only their own principles but the policies of the British people?

The Prime Minister: The Leader of the Opposition has given a "cast-iron guarantee" that he will have a referendum; it is for him to answer to us about what he is now going to do.

Mr. David Heathcoat-Amory (Wells) (Con): Does the Prime Minister recall that at the start of the reform process European leaders were instructed to create a Europe closer to its citizens. Does he think that the spectacle of EU Heads of Government engaging in private bargaining sessions to hand out between themselves the unelected jobs in Europe is more likely to increase or to diminish the public's respect for the European Union? Which is it?

The Prime Minister: We know where the right hon. Gentleman comes from; he is against the European Union altogether. I have to tell him that at the formal sessions, which lasted many hours, we discussed jobs, we discussed growth, we discussed climate change and we discussed foreign policy issues. What the right hon. Gentleman suggests was being discussed in the corridors was not discussed in the Council. We discussed the issues that matter to the people of Europe.

Mr. Elliot Morley (Scunthorpe) (Lab): I warmly welcome the outcome of the Council's discussions on climate change, and the clear lead that it has given. I also pay tribute to my right hon. Friend's contribution. The funds will constitute an essential part of any agreements resulting from Copenhagen, but there is also real potential for a low-carbon economy in this country and in my region. My right hon. Friend mentioned the trade talks. Has any thought been given to such issues as reducing VAT in the eurozone and reducing tariffs for low-carbon products for the benefit of our country, Europe and developing countries?

The Prime Minister: My right hon. Friend is absolutely right. Huge progress can be made towards a low-carbon economy. In particular, as countries emerge from recession, they can invest in the low-carbon technologies of the future. Europe has agreed to sponsor and help to finance carbon capture and storage. It is important that we have some of the demonstration plants, and we are trying hard to ensure that Britain has a number of them for future years. He is also right to suggest that we should consider how we can do more to promote low-carbon goods and services, and that is certainly one of the items that will be discussed at Copenhagen.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Will the Prime Minister please confirm that the annual payment of between €22 billion and €50 billion to developing countries will be additional money, and that existing EU budgets will not be raided?

The Prime Minister: We made it clear that the existing level of support for environmental projects in the overseas development aid budget was about 10 per cent., and that we would not go beyond that. The money that we are putting towards climate change is therefore additional. I hope that all parties will feel able to agree to that, because otherwise poor countries will find that what they are doing for development has been cut so that they can finance new investments in the environment. I do not think that all parties have yet reached that view, but I hope that they will reach the same view as us.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Prime Minister said that the protocol relating to the charter of fundamental rights for the Czech Republic would be attached to the next accession treaty. Would he like to hazard a guess as to which country will be next to accede, and when that might take place?

The Prime Minister: An accession treaty for Croatia is currently the subject of negotiations. Perhaps the right hon. Member for Witney (Mr. Cameron) will reflect on the fact that he would want that to be put to a referendum as well, because it will include aspects related to the protocol. I understand that he would have to advocate a yes vote, because he is in favour of Croatia's joining the European Union.

Mr. William Cash (Stone) (Con): Does the Prime Minister accept that what he is proposing is effectively to bring the treaty into force on the basis of an unenforceable political deal? Does he accept that that simply adds to the cynicism that people should feel about this entire process, and that we therefore need not only to eradicate the false promises but to have a referendum in any event?

The Prime Minister: The hon. Gentleman is now in the mainstream of the Conservative party. His policies in favour of withdrawing and relegating the European Union's relationship with Britain are well known. I must say to him, however, that when the new treaty was drawn up and agreed, the first words of the communiqué were that the constitutional concept had been abandoned. He should recognise that the Lisbon treaty met all our negotiating requirements, and that that is why we were able to recommend it to the House of Commons.

Sir Stuart Bell (Middlesbrough) (Lab): The Prime Minister is right to emphasise the leadership given by the European Union over many years in confronting global warming and reducing emissions of carbon and other greenhouse gases. May I plead with him to continue his unremitting efforts to ensure that, after the Copenhagen conference on climate change, there will indeed be another protocol to follow the one from Kyoto?

The Prime Minister: I am grateful to my hon. Friend, who has been one of the leaders in strengthening our relationships with the European Union. During the coming week I shall be meeting Ban Ki-moon, the Secretary-General of the United Nations, and then Mr. Rasmussen, the Prime Minister of Denmark, so that we can move forward our negotiations for a climate change deal in Copenhagen.

Britain is determined to do everything that we can to make a deal in Copenhagen possible, and it was our original proposal on finance that has commended itself to the European Union. We will continue to press forward to ensure that we make the maximum possible progress to secure a deal at Copenhagen.

Mr. Humfrey Malins (Woking) (Con): One of the reasons why we are in Afghanistan is, I think, to help to slow down and preferably stop the flow of heroin on to our streets, which causes so much misery and crime, but I believe that that flow is still very fast indeed. Can the Prime Minister give us some sort of progress report, and hopefully some optimism?

The Prime Minister: The number of poppy-free provinces in Afghanistan is, I think, now 20. The hon. Gentleman may have looked at the initiative we undertook in Helmand this year. Under the Department for International Development, we persuaded large numbers—30,000, I think—of farmers to switch from poppy production to wheat, and they have, of course, benefited from the high price of wheat during the course of the year. We are proposing to do even more next year in persuading more farmers to resist the temptations of growing poppies and at the same time getting them support so that they can grow grain. This is one of the best ways to advance our policy to rid the parts of Afghanistan for which we have some responsibility of as much of the heroin trade as possible.

Clive Efford (Eltham) (Lab): May I draw my right hon. Friend's attention to the issue of the use of hydrofluorocarbons? It is essential that we deal with them alongside dealing with CO_2 as part of a Europe-wide agreement. I urge my right hon. Friend to discuss this matter with the Secretaries of State for Environment, Food and Rural Affairs and for Energy and Climate Change to ensure that we get Europe-wide agreement on a reduction. I do not expect my right hon. Friend to give a detailed answer on that now, but I do want to draw it to his attention and urge him to discuss it.

The Prime Minister: I am grateful to my hon. Friend. The Minister of State, Department of Energy and Climate Change, the hon. Member for Lewisham, Deptford (Joan Ruddock), is sitting near me and she will talk to him about this very matter in a few minutes.

Mr. Andrew Mackay (Bracknell) (Con): Why did the Prime Minister's notorious powers of persuasion fail to convince his European colleagues of the merits of Tony Blair's presidency?

The Prime Minister: Is it not typical of the Conservative party that its Members only ask questions about personalities? The position of the presidency of the Council has not yet been set up and the Lisbon treaty has not yet gone through. Once the Lisbon treaty has gone through and has been ratified—as I hope it will be—we can discuss these matters.

Paul Flynn (Newport, West) (Lab): How much confidence has the Prime Minister got in an Afghan army armed and trained by the west, as the mujaheddin once were, and their commitment to lay down their lives and slaughter fellow Afghans in the name of a corrupt President who has just rigged his re-election?

The Prime Minister: The Afghan forces that have fought alongside the British forces in recent years have been brave, determined and professional. The problem is that we do not have enough of them. We wish the Afghan forces, Afghan police and Afghan security personnel to be able to take responsibility for the management of law and order in the provinces and then throughout Afghanistan. That is what we are trying achieve, and in order to do so we will need to help train Afghan forces. So far as the rest of the question is concerned, we know there are problems of corruption in Afghanistan and we know they have got to be dealt with. The key step is to persuade the Government of Afghanistan that they must take these problems even more seriously.

Mr. John Greenway (Ryedale) (Con): May I bring the Prime Minister back to the issue of enlargement? Does he agree that the accession of not only Croatia, but other Balkan countries and Turkey, could help to bring about success in respect of many of the items in the discussion that he has reported to us today, such as energy supply, the fight against terrorism and, above all, making Europe a more safe and secure continent for all of us?

The Prime Minister: The hon. Gentleman is absolutely right. The only difficulty his party faces is that, because there are 27 countries in the European Union, we have had to have a new treaty so we can deal with the institutional mechanisms necessary for the governance of the EU. I therefore hope that at the same time as supporting enlargement, the hon. Gentleman will support the measures that are necessary to make enlargement work.

Ms Dari Taylor (Stockton, South) (Lab): I warmly support the Prime Minister's determination to achieve an ambitious Copenhagen conference on climate change. With that in mind, will the growth in the consumption of animal wheat be on the agenda, as it significantly adds to CO_2 emissions? If it is not, will my right hon. Friend allow me to invite scientists from Teesside, who will prove to him that it is essential that the item is on the Copenhagen agenda?

The Prime Minister: My hon. Friend puts her case with great force. I am told that livestock is on the climate change agenda. We will have to make progress in a large number of areas. It was mentioned earlier that we have to make progress in the maritime and aviation areas, and we must also make progress in deforestation—or, rather, reforestation. All these issues are part of the climate change agreement.

Mr. Julian Brazier (Canterbury) (Con): The Prime Minister made one passing reference to allied troop contributions to Afghanistan. May I ask him whether he asked the Germans and other allies who already have troops there when they are planning to deploy them forward to the sharp end?

The Prime Minister: Before the original election in Afghanistan, I and others were party to persuading a number of countries to send additional troops to Afghanistan—that happened in a number of cases within the European Union. The issue now, which was raised by the McChrystal report, is what numbers different countries will be prepared to offer following the elections. That is a matter for discussion at NATO in the next few days. I believe not only that we will have proposals arising from McChrystal very soon, but that we have already taken the right decision, which is that we are prepared to put additional forces in, subject to the conditions that I laid down in Parliament: that Afghan forces are available to be trained, and that we have an agreement among the coalition.

Paul Rowen (Rochdale) (LD): In the light of continuing terrorist attacks in Pakistan, including this morning's bombing in Rawalpindi, what additional support did the Council agree to aid the security situation in that country?

The Prime Minister: We are doing a great deal to co-operate with the Pakistan security forces, now that they are prepared to take action; not just in the areas where they have been tackling the Pakistan Taliban, but in areas near to where al-Qaeda is based. We are also giving the Pakistan authorities help when there are displaced people as a result of the conflict, and our overseas development aid to Pakistan is being raised for those areas of Pakistan that have been most susceptible to these activities. We are giving more money, in particular, to help the education of young children in the northern areas of Pakistan.

Mr. Andrew Robathan (Blaby) (Con): Does the Prime Minister think that people would be more likely to believe what he has to say about matters such as climate change if he had kept his promise to have a referendum on the EU constitution—now renamed the "Lisbon treaty"? Could he tell us what his moral compass tells him about that broken promise?

The Prime Minister: I reported to the House that the constitutional concept had been abandoned as a result of the talks that led to the treaty. The House voted on this issue of a referendum on the treaty itself. The Conservative party voted in favour of a referendum on this treaty. The Leader of the Opposition gave a "cast-iron guarantee" that he would have a referendum. We must also be clear that the Opposition have voted that they wish to withdraw from the social chapter and European employment legislation, but for that they would need the support of 26 other members of the European Union. From what I saw when I was in Brussels this week, there was very little support for the position of the Conservative leader.

Mr. Peter Bone (Wellingborough) (Con): What keeps the Prime Minister awake more at night: the prospect of my right hon. Friend the Member for Witney (Mr. Cameron) becoming Prime Minister or that of Tony Blair becoming president of Europe?

The Prime Minister: I sleep very well at night. I must tell the hon. Gentleman that it would be in Britain's national interests to have a former Prime Minister of our country as president of the European Council. I think that the Conservatives are making a mistake if they want to send out a message to the rest of Europe that they do not want a British person to hold this job. Presumably they want someone from another country to hold this job—presumably someone who also holds a federalist position in Europe. The Conservatives should go back to the drawing board on this and think again.

Point of Order

4.38 pm

Mr. Stephen O'Brien (Eddisbury) (Con): On a point of order, Mr. Speaker. In a written answer to me on 27 October 2009, Health Ministers claimed that the reason for their delay in publishing the final report from the Nutrition Action Plan Delivery Board, which is examining weaknesses in Government policy on malnutrition, was because the board was "independent of Government" and that there had been a delay by the board's independent members in producing the report. However, in the same answer the Health Ministers said that the reason for the ongoing delay now that the report is with the Department is that the report now needs to be "considered by Ministers". Of course, while the delay is ongoing, the appalling burden of malnutrition is getting worse. Is it in order for Ministers to delay the publication of a report that is apparently independent of government, yet which the Government have pledged to publish, when it has, according to the written parliamentary answer, been with Ministers since as far back as "July"?

Mr. Speaker: I am grateful to the hon. Member for Eddisbury (Mr. O'Brien) for his point of order and for advance notice of it. Sadly, I must reiterate a central point in this Chamber: that the timing of the release of Government reports is a matter for the Government. The hon. Gentleman has registered his serious discontent with what he regards as an unacceptable delay. The point is on the record, and it will have been heard by Ministers and indeed by others.

Perpetuities and Accumulations Bill [*Lords*]

Bill, not amended in the Public Bill Committee, considered.

Third Reading

Queen's consent signified.

4.40 pm

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I beg to move, That the Bill be now read the Third time.

It is a pleasure to be here to guide the Perpetuities and Accumulations Bill through its final stage in the House. It is a good example of the valuable expert work that the Law Commission has done to simplify the law, particularly in those areas that are difficult and truly lawyers' law. I want to take this opportunity to thank the commission for all the hard work that it has done on this project.

Although our own procedures were unchanged, the Bill was the first candidate under a trial of a new procedure in the other place for appropriate Law Commission Bills. I think that that procedure will help further to support the Law Commission's work in making the law modern and more effective. I want to take this opportunity to thank Members on both sides of the House for their support. The Bill has been though a thorough procedure in the other place. There were no amendments made in the Public Bill Committee, and I commend the Bill to the House.

4.41 pm

Mr. Henry Bellingham (North West Norfolk) (Con): First, I declare an interest as a barrister who, during my time at the Bar, did a certain amount of chancery law. I also remember being taught the law of perpetuities and accumulations both at university and at law school. It is obviously an extremely complicated subject and one that at first looked as though it lent itself to the new procedure that the Minister talked about—the fast-track procedure for non-controversial Bills. During its progress through the other place, however, the Bill attracted a great deal of interest and was subject to a great deal of very useful scrutiny. To say that it is a non-controversial Bill is probably a mistake, because it threw up a number of significant controversies.

I want to ask the Minister whether, with the paucity of business going through the House, the Bill could have been subject to the normal procedure. There has been a lack of Bills going through this House during this Session, and it would have been quite easy to have fitted in the Bill, which would have given everyone a chance to conduct more conventional scrutiny and, above all, more opportunities for different organisations to contact people about the Bill.

I regret the fact that the Law Commission has not briefed hon. Members on the Bill. I also want to flag up the fact that the explanatory notes are meant to explain the Bill, not tie up the reader in knots. It is a pity that the explanatory notes were not a little more user-friendly, and perhaps lessons can be learned from that. My submission is that the absence of a law degree would make the notes almost impossible to understand. However, we are where we are.

The Opposition wish the Bill well. It goes back a long way, to the 1993 report by the Law Commission and its consultation paper No. 130, which was published in that year. The Law Commission then brought out a report in 1998, "The rules against perpetuities and excessive accumulations". We then had the Government consultation of 2002 and, in due course, this Bill, which has been a long time coming. Why did Ministers not get on with the Bill and push it through at an earlier stage? There have been occasions over the past few years when it could easily have been brought before the House in its normal, conventional format.

The Bill is important, because trusts are very important mechanisms. More than 200,000 taxpaying trusts are in existence. There are many other trusts, obviously including a large number of charitable trusts. It has been reported recently that there are roughly 500,000 millionaires in this country. Many of them will want to tie up their wealth and estates for the next generation, and having the opportunity to do so through trusts is a very important mechanism that should be available to people. However, it is also important that those trusts are as user-friendly as possible. Furthermore, at a time when capital is much more footloose in the context of a global economy, those trusts must be as flexible as possible, so they must change with the times. That is why the Bill is certainly a move in the right direction, and why it is absolutely right that the Government have considered perpetuities and accumulations.

On perpetuities, there was a long-standing common law rule that a testator could not tie up an estate in perpetuity. The so-called dead hand rule came in, and common law did very well in that respect. It laid down that it was possible to limit the extent to which the dead hand of a deceased settlor could control the devolution of their property into the future. In other words, the rule against perpetuities exists to prevent both those who are over-enthusiastic in their attempts to keep property in their families and the downright eccentric from trying to control for ever the property that was theirs during their lifetime.

The common law, which had been around for many years, was updated by the Perpetuities and Accumulations Act 1964, which introduced the wait-and-see mechanism, which was tied to the new 80-year rule. But, of course, there were problems, not least because the perpetuities rule was extended to commercial transactions and, in particular, to the creation of future easements, options, rights of pre-emption and other controls for the sale and disposition of land. The overwhelming conclusion was that those commercial transactions should be cut loose from the rule. So I congratulate the Minister and her team on introducing measures that take such transactions outside the perpetuities rule.

The other problem was that the common law and the 1964 Act, working together, led to some confusion—hence the substantial support for abolishing the rule completely—but a fair compromise would be to restrict it to wills and trusts and to apply a 125-year period. Such a period is pretty well the longest life imaginable, plus the period of minority for the next generation. Some critics might say that that is too long, but it is worth pointing out that 9,000 centenarians now live in the United Kingdom—a ninetyfold increase since 1911. The number of centenarians has increased by 7 per cent. since 2005. At the current rate of expansion, the UK's centenarian population will reach 40,000 by 2030. Indeed, in the UK, the over-90s are the fastest growing segment of the population.

It is interesting to note that Lord Hodgson explained in another place that he had spoken to a gerontologist who pointed out two rather stark facts: first, as of this moment, three quarters of the people in the world who have ever reached the age of 65 are alive and kicking today; and secondly, someone living today will live to the age of 200. I hope to goodness that it is no one in the House. Furthermore, given that fact, it is perhaps a reasonable compromise to set the rule at 125 years.

Turning very quickly to accumulations, the rule was originally based on the Accumulations Act 1800, which was a direct response to the Thellusson case, which I want to mention briefly. Peter Thellusson died in 1797 and left the staggering sum of £600,000, equivalent to more than £200 million today. His will made it clear that all the income had to be rolled up and accumulated for ever, or at least for the whole life of the last survivor of his descendants living at his death. This formula could have taken us up to the 1950s. By then, with accumulation and compound growth, the sum could have increased to £20 billion-odd.

It is interesting to note that my hon. and learned Friend the Member for Harborough (Mr. Garnier) tells me that he is a direct descendant of Peter Thellusson, and if the fund had been allowed to accumulate over all those years, he might well have been a beneficiary. In fact, the children and grandchildren of Peter Thellusson would not have been able to benefit from his will, because of the accumulation on which he insisted in his will, which is why the law was changed—in this case, retrospectively—so that there could not be accumulation in perpetuity.

That was a sensible piece of legislation and stood the test of time, but we have moved on to a global economy and towards the concept of total return on trusts, which means that the trustees look not only at income and capital growth, but at income and capital growth combined. That is why the pressure has grown over the years for the rule against accumulations to be abandoned. The right decision was made, because it was time to get rid of it.

There are two issues on which I want the Minister to comment, if she can. The first relates to powers of appointment, which were discussed in the other place. Numerous experts there favoured applying the new law on accumulations to the exercise of existing special powers of appointment in order to achieve greater flexibility in the management of trusts—a pragmatic approach. As I understand it—the Minister might be able to confirm this—following the amendments in the other place, there will be no retrospective element to the new rule on accumulations, so the powers of appointment will not be able to be exercised in terms of the new law and will have to be exercised on the basis of the existing law at the time.

The other point on accumulations relates to charities. The Government were right to put in place a clause that states that charities will not be able to accumulate for more than 21 years, but they will be able to accumulate for 21 years. For charities that are building up sums of money for a particular purpose, accumulating and rolling over the income makes a great deal of sense.

[Mr. Henry Bellingham]

I have one technical point on commencement, which did not lend itself to an amendment. Clauses 15(1) and (2) cover commencement. They make the pre-Act law apply to any will executed before commencement day, even if it takes effect on or after the commencement day—that is, because a testator dies on or after commencement day. However, there is a rule in law that if a codicil is made to a will which makes some reference to the will, the will is republished, with the consequence that it is treated as made on the date of the codicil, unless that would defeat the testator's intentions. How would case law apply to a will made before the Act comes into force but republished after it does so? That is not clear. Perhaps the Minister will touch on that point or write to me if that is easier.

As I have pointed out, trust law in this country is fairly complicated. Many have argued that we should have gone for a consolidating measure and brought the whole of trust law together. However, that would have taken a much bigger Bill and much more time. This is a small measure, but it is nevertheless welcome. It will make life easier for practitioners. There will be a problem while three parallel systems are running—the old common law, the 1964 Act and new Act, if the Bill becomes an Act, which I hope it will. That will produce some challenges, but the Bill will simplify matters and update trust law.

The Government were wise to bring forward the Bill, although I note that among the affected trusts are many that cover the great landed and ducal estates of this country. It is somewhat ironic that a new Labour Government, in their dying days, should make life easier for the great ducal estates in this country. I applaud the Government for that, because they have been pragmatic, but the fact should be noted. They have come a long way, and that is why we support this limited measure.

It is a pity that we did not have the Law Commission briefing, and, in some ways, that a very complicated Bill was subject to the fast-track process. It has worked out all right, but the question is whether we should use it again for Bills that are controversial in terms of practitioners, if not politically. Perhaps we should think again about using the fast-track procedure for such Bills. If a Bill were introduced to reform an archaic statute, one very simple Bill, using that procedure, would make sense. Having put those reservations on the record, however, we support the Bill, thank the Minister and her team for bringing it forward and wish it well.

4.56 pm

David Howarth (Cambridge) (LD): I was wondering whether the hon. Member for North-West Norfolk (Mr. Bellingham) was attempting to be the last person in this country's history to be subject to the old perpetuity rule of lives in being plus 21 years. I must say that I found the explanatory notes to be perfectly clear, and that the Law Commission briefing is in the commission's own reports, which on this subject are exemplary.

I, too, thank the Government, and the Law Commission, in particular, for bringing forward the Bill. It has been quite a long time in the making, and the commission members who are most responsible for it are no longer members. Owing to that, I shall mention one by name, Mr. Charles Harpum, who did an extraordinary amount of work on the Bill and has produced legislation that, in its mechanism, will last a long time. The hon. Member for North-West Norfolk mentioned the people who taught in this area of law, so I should add that I was taught by Mr. Harpum himself, in his first year as a lecturer, which now seems a very long time ago.

I support what the Minister said about the new procedure in the House of Lords. It seemed to work very well, and it helped us to expedite procedure in this House, too. I hope that this legislation, along with the new Act on Law Commission reports, will lead to a better way of moving the commission's reports through this and the other House and into legislation. More controversial reports will need fuller discussion, but Bills such as the one before us, which are clear but technical improvements to the law, should go through as quickly as they possibly can.

I make only two comments on the Bill's subject matter. First, on the length of the perpetuity period, the hon. Member for North-West Norfolk had one substantive point, which was that, with the advance of medical science, at some point people will live longer than 125 years. When we reach that point, however, we will not have to revise the whole structure of the law—only the number of years.

Secondly, on accumulations, I want to put on the record that throughout our discussions on the Bill, the Government have been very clear that the provisions on accumulations for charities are compatible with the total return approach. There was some worry in the sector about that, but the Government have been very clear, for which I thank them. I thank them also for the Bill, and I wish it Godspeed in passing into law.

4.59 pm

Bridget Prentice: I thank the hon. Members for North-West Norfolk (Mr. Bellingham) and for Cambridge (David Howarth) for their support for the Bill both on the Floor of the House and in Committee. In particular, I thank the hon. Member for Cambridge, who succinctly put to bed—I hope—some concerns that the hon. Member for North-West Norfolk had. Indeed, if we live more than 125 years—God preserve us—the period in the legislation will have to be changed. I was also pleased that the hon. Member for Cambridge confirmed again that charities have nothing to fear from what the Bill wants to do.

I want to respond to the hon. Member for North-West Norfolk on the issue of the procedure. The fact is that the Bill followed the usual procedure for Law Commission Bills in this House—it went to a Second Reading Committee under Standing Order No. 59. The new procedure in the other place will help to keep what we might refer to as "lawyers' law" up to date and perhaps even more understandable than it normally is to most of us.

I was disappointed that the hon. Gentleman felt that the explanatory notes were too hard to understand. Officials work very hard to make them as clear and simple as possible, and we will continue to try to make them so, in the plainest possible English. He asked why it took so long to bring the Bill forward. As he will know, Governments of all colours have found it difficult to introduce Law Commission Bills, but today I would like to accentuate the positive in saying that I hope that more Bills will come forward in this fashion.

The hon. Member for North-West Norfolk asked particularly about retrospectivity and accumulations, and whether the new law will apply to existing trusts. That issue was debated in detail in the other place. The Bill will not apply new law on accumulations to existing trusts as a result of the amendments in the other place. I hope that that has reassured the hon. Gentleman on that matter. The hon. Gentleman also mentioned wills that were made before but that take effect after the Bill is enacted. The Bill will apply to a will if the will is both created and takes effect after the Bill is enacted. The law relating to republication will apply as it does at present, so the Bill does not change that. I hope that I have responded to all the hon. Gentleman's concerns. If I have missed anything, I shall respond to him in writing.

The Bill, although technical, is important. It brings the law up to date, and I am pleased that we have been able to produce a Law Commission Bill under the new procedure. I am also grateful for the support that the Bill has received from across the House.

Question put and agreed to.

Bill accordingly read the Third time and passed, without amendment.

Antisocial Behaviour

5.2 pm

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I beg to move,

That this House has considered the matter of tackling anti-social behaviour.

I am pleased to be able to initiate a debate in Government time on this extremely important issue, which has an impact on every right hon. and hon. Member in this House and every community that we represent. In opening the debate, I am particularly pleased to focus on the fact that the Government have recently, through my right hon. Friend the Home Secretary, made it clear that tackling antisocial behaviour not only is a continued priority, but will remain a top priority for them.

You, Mr. Deputy Speaker, and all Members will know that antisocial behaviour has a devastating impact on the lives of individuals and their communities across the United Kingdom as a whole. I want to send a message from this Dispatch Box that antisocial behaviour never has been acceptable and that it never will be. The Government will continue to drive down antisocial behaviour to ensure that people have the right to enjoy their lives in peace, free from the devastating and often extremely damaging effects of such behaviour in their communities.

We all know from our own constituency experiences that graffiti, noise and petty vandalism are extremely important to those on whom they are inflicted and that they need to be tackled by the responsible agencies; I mean not only the police, but local authorities and others involved.

Let me say at the outset that antisocial behaviour is not committed by the majority of young people. It is something that we need to focus on in relation to all aspects of our society, not just the individuals who often get blamed for it, who in are a minority among young people.

Mr. Graham Allen (Nottingham, North) (Lab): I hope that the Minister will talk about not only antisocial behaviour but its alter ego, pro-social behaviour: in other words, the need to stop the problem before it arises by intervening early with young people, as early as when they are babies, children or at primary school, so that they discover the right way to grow, to learn, to listen and to develop as human beings.

Mr. Hanson: My hon. Friend makes an extremely valid point that I will indeed touch on later. He will know that through the youth crime action plan, the Government have focused a considerable amount of effort on ensuring that we tackle not only antisocial behaviour but issues to do with chaotic families, alternative activities, and interventions at a local level with individuals who are vulnerable to becoming involved in antisocial behaviour. That is because, as ever, prevention is just as important as enforcement and positive action against individuals at large.

I can report to the House that perception of antisocial behaviour across the board is reducing, partly owing to the Government successes that I will discuss in a moment. In 2008-09, 17 per cent. of the population felt that they experienced a high level of antisocial behaviour across

[Mr. Hanson]

the board, compared with 21 per cent. of the population in 2003-04. Accepting that there has been that fall in perception does not detract from the fact that when such behaviour is experienced by an individual, a family or a community, it has a 100 per cent. impact on them. We must act on the wreckage that this causes to individual lives and communities and ensure that we bear down on it still further despite our successes to date.

Chris Huhne (Eastleigh) (LD): Given that there is a fairly small difference between 17 and 21 per cent., is the Minister convinced that it is greater than the margin of error for the poll that was used?

Mr. Hanson: The hon. Gentleman will have looked at a range of issues. He does not, I believe, support some of the measures that we have taken on antisocial behaviour. I think that any measures to drive it down, and to drive perceptions down, are important. He will know that we are going to drive down still further some of these activities and perceptions where there are particularly high levels of antisocial behaviour. I will ensure that we continue to do that for as long as I hold this post, because it is vital that individuals whose lives are blighted by antisocial behaviour have not only the long-term remedies mentioned by my hon. Friend the Member for Nottingham, North (Mr. Allen) but strong enforcement, strong action and help and support to drive it down still further.

I am candid enough to say to the House that antisocial behaviour remains a problem in several areas in relation to the work that we are doing. In the Place survey undertaken by the Department for Communities and Local Government—until recently that survey was ably examined and looked after by my right hon. Friend the Member for Salford (Hazel Blears)—20 per cent. of people still felt that there were high levels of antisocial behaviour in their areas. That is why, whatever we have done to date in working tirelessly to provide an effective response in tackling antisocial behaviour—and we have undertaken a considerable amount of activity—there is more that can and should be done. Action needs to be taken to strengthen the response across all areas.

On 13 October, my right hon. Friend the Home Secretary announced to the House a new impetus for tackling antisocial behaviour. That extra action covers activity in some key areas, and it supports not only the work done to date but the preventive agenda referred to by my hon. Friend the Member for Nottingham, North. The action that my right hon. Friend announced includes practical support for victims of antisocial behaviour; re-emphasising to our colleagues in the police the need for a strong police response when it occurs; looking to establish across the country as a whole minimum standards of response and service for victims and individuals who have to deal with antisocial behaviour; considering action—this is particularly important—against those who flout the law, especially those who flout antisocial behaviour orders; and the action that we are taking focused on areas with high levels of antisocial behaviour.

James Brokenshire (Hornchurch) (Con): The Minister mentioned as one of those five points raising standards locally, and the Home Office essentially setting national standards. How does he intend to follow that through? Will there be more inspection or regulation sitting behind it?

Mr. Hanson: The intention is not to drive forward regulation or set central standards. We want to examine particular matters and encourage action plans in particular areas, with financial support, by 2010. The key points of the minimum standards will be taking reported cases of antisocial behaviour seriously, recording and investigating them, keeping victims informed of actions taken, telling the community on a monthly basis what action has been taken to tackle antisocial behaviour, providing practical support for victims and ensuring that all agencies—the police, local councils and others—link together so that there is effective management.

There have been occasions when agencies have had issues reported to them and taken an interest but have not had the co-ordinated response that is necessary to tackle them. We are challenging all community departments in local areas to sign up to minimum standards by March 2010, when we will review the information and ensure that action is taken.

Mr. John Horam (Orpington) (Con): Will the right hon. Gentleman include housing associations in his list of those to be involved? Often it is a three-way relationship between the local council, the police and housing associations. They are as important as the other two, and it will be helpful if they are included in the action that is to be taken.

Mr. Hanson: The hon. Gentleman makes an important point. Housing is central to some aspects of the antisocial behaviour that we face. Although local authorities have a responsibility for housing, a lot of the housing in my constituency is provided through housing associations. It is important that they are involved in establishing minimum standards. From my perspective, the key is to ensure that there is an effective link between neighbourhood policing and other agencies so that they come to locally acceptable solutions.

Further to the question that the hon. Member for Hornchurch (James Brokenshire) asked, we need to make the standards that are set available to the public, who will have recourse to the local government ombudsman if they have a complaint. We will expect as a matter of course every police force and local authority and, taking the point of the hon. Member for Orpington (Mr. Horam), every social landlord to seek at least to meet the minimum standards expected by the public and ensure that they keep on track.

We acknowledge the importance of all the issues that I mentioned. If I discuss each in turn you will see, Mr. Deputy Speaker, that we cover a number of matters in our latest proposals. First, we have always acknowledged that supporting victims is crucial. It is self-evident to Members that a victim may be a victim for the first time and may not know their way around the system, so we want to ensure that the victim is at the heart of what we do. Victims are often too frightened to give evidence against a perpetrator because they are scared about the impact on their communities, and as a result they often do not come forward.

One step that my right hon. Friend the Home Secretary announced in October was an additional £2.8 million of funding to support local victims champions in all targeted

areas, by which I mean areas with a very high level of antisocial behaviour, with a view to extending the program still further when we discuss the provisions of the White Paper later this year. That effectively means that we will provide services to support victims and witnesses of antisocial behaviour to bring cases forward in magistrates courts and throughout the process.

As I mentioned earlier, we have also promised tougher action on those who breach their ASBOs. We will conduct a review of how that is working in practice, involving both the Secretary of State for Justice and the Attorney-General, and we will shortly issue new guidance on what local authorities should do when an ASBO is broken and needs to be followed up, to ensure that those who have been given that community-based penalty see it through.

We have a renewed focus on advice on driving up prosecutions. Going back to some of the points that have been made so far today, I can say that we are also looking at local service standards, so that the public know what to expect when antisocial behaviour occurs in their areas, what the minimum standards are for responses, and what support is available to communities when such action is taken. I want to leave that, in large part, to local discretion—referring to the points made by the hon. Member for Hornchurch from the Opposition Front Bench—but I want to ensure that we have those measures in place. We will be reviewing what local authorities say they are putting in place by March 2010 and will hold them to it. We will also expect the community to hold them to it.

Mr. Allen: I thank my right hon. Friend for his generosity in giving way a second time. Does he agree that it is important that he works closely with the Crown Prosecution Service and his colleagues in the Ministry of Justice to ensure that the burden and level of proof are such that we can get convictions in some of those cases? Very often, targeting in the CPS means that it has to be almost 100 per cent. certain, which is rare, before it will take a case. Will he ensure that cases are taken on the balance of probabilities, rather than the CPS feeling target-bound and not taking other cases?

Mr. Hanson: That is very important. Very often, the police, people who live on an estate or in a community, and the local council will know where there is a problem, and they must produce evidence to that effect. I take what my hon. Friend says. Again, as part of our review, we will be looking at the guidance we issue not only on breaches but in relation to prosecutions generally, because it is important that action is taken. That is what people expect and what decent people want in their communities. They want action to solve the problem, not necessarily, with due respect, words to go around the problem.

Effectively, we will also be providing—this is key to the drive announced by my right hon. Friend the Home Secretary on 13 October—specific support to areas where the perception of antisocial behaviour is particularly high. We have identified a number of key areas, including Salford and Doncaster, where there will be additional help and support. We regard that as critical in helping to drive down perceptions where they are extremely high. The extra support will be part of the action plan that is being drawn up. The plan is time-limited to March of next year to ensure that action is taken now in such key areas.

Linked to that is the question of the policing pledge and the policing White Paper, which will come out shortly. When that is produced—it will hopefully be later this month or, at the latest, early December—we will again be taking some clear next steps regarding what we can expect from the public and neighbourhood policing, with support from police officers. That will include a continued commitment to having a dedicated neighbourhood policing team in every community. Neighbourhood teams will cost resources, which is investment to which we are committed—not only for next year but, in terms of examining them in detail, for future years.

The White Paper will also include measures to enhance the focus of local neighbourhood policing, through working with partners and giving extra support to partnerships. That will ensure that victims, offenders and neighbourhoods are the focus of police activity, which is a positive step. From my perspective, identifying antisocial behaviour issues locally with the community is key.

None of that commenced on 13 October following my right hon. Friend the Home Secretary's statement. This Government have been committed to tackling antisocial behaviour since they came into existence in 1997. The Crime and Disorder Act 1998 created crime and disorder partnerships, and community safety partnerships in Wales. They are key when the Government decide what agencies across government need to be brought together to fight crime and antisocial behaviour.

The legislation also introduced the ASBO, which has given practitioners vital powers for dealing with serious antisocial behaviour. Some 14,972 ASBOs were issued between 1 April 1999 and 31 December 2007. In due course, ASBOs have changed the behaviour of many individuals who have behaved antisocially, and given confidence to the community in dealing with such behaviour.

Mr. Humfrey Malins (Woking) (Con): I know about the number of ASBOs issued, but is the Minister worried that, over those years, more than 50 per cent. of those ASBOs have been breached? The figure for 10 to 17-year-olds is even worse, with nearly 65 per cent. being breached. That is a troubling figure.

Mr. Hanson: I accept that the breaching of ASBOs has been a concern. I know that the hon. Gentleman is a fair man, and I hope that he will accept that the Home Secretary's announcement on 13 October of extra steps to tackle breaches of ASBOs was a recognition that that number is unacceptable. If people are given a punishment, it must be seen through. Restraining orders in relation to a particular community must be enforced strongly by the courts, the police and the community at large. I accept that the breach rate is challenging, but I am convinced that we will take further action to deal with those individuals in a positive and practical way in the future.

Practitioners tell us that communities are given respite from the misery of nuisance and loutish behaviour by ASBOs, and we know that they work. Antisocial behaviour is a challenging and complex matter, without a one-size-fits-all solution. ASBOs are important, but they are one of a range of tools that we have used to support the development of policy to tackle antisocial behaviour in all its forms. Members will know that, from crack house

[Mr. Hanson]

closure orders to dispersal orders and, most recently, premises closure orders, we have given a range of powers that are now being exercised by local police through the courts to ensure that innumerable people in communities across the country are spared the difficulties caused by individual properties, licensed premises or individuals causing concern.

To return to the point made by my hon. Friend the Member for Nottingham, North, enforcement is only one aspect of the work that we need to undertake. We need to ensure that the underlying problems that lead to antisocial behaviour are tackled at their roots. That is why we have undertaken action with perpetrators and their families, with the level of support needed to tackle the underlying causes of that behaviour. We have, for example, issued individual support orders, helping young people on ASBOs, and parenting orders, helping parents to tackle issues that cause problems or make them worse. In the last five years alone, we have issued 43,000 acceptable behaviour contracts, 12,600 parenting contracts and 3,000 parenting orders, and we have closed down 1,700 crack houses across England and Wales. That shows not only an element of enforcement, but recognises that we need to deal with dysfunctional families, in which one generation after another is not learning the basics of a decent society.

Mr. Paul Truswell (Pudsey) (Lab): Does my right hon. Friend accept that some of the families about which he is talking are inflicting huge damage on their communities through other criminal activity, as well as antisocial behaviour? They are often pursued by the police through the Proceeds of Crime Act 2002. Does he understand the concern of some forces, such as West Yorkshire, that an inadequate proportion of the money gleaned through POCA is returning to those forces so that they can tackle the sort of problems that we are talking about?

Mr. Hanson: I accept the point that my hon. Friend makes. It is clear that people involved in antisocial behaviour are often involved in a range of other criminal activity. In his response to the debate, the Under-Secretary of State for the Home Department, my hon. Friend the Member for Tynemouth (Mr. Campbell), will touch on that issue and give some real facts and figures. I am aware that considerable resources are going to local forces from POCA, but it is an issue that we need to look at. From my perspective—and my constituency contains families who cause difficulties, as every constituency does—the Proceeds of Crime Act and the confiscation of assets has been a key determinant in people desisting from this behaviour, and visible punishment has an effect on the community at large.

We have also had two significant and successful campaigns—the Together and Respect programmes—that have raised the profile of the action that we are taking on antisocial behaviour, brought practitioners together and contributed more to tackling those problems. To return to the point that my hon. Friend the Member for Nottingham, North made—a point that I will refer to regularly—we have also introduced a range of early intervention initiatives aimed at preventing antisocial behaviour in the first place. Although not targeted solely against individuals who are involved in antisocial behaviour, schemes such as Sure Start and "Positive activities for young people" are part of the positive community building to which this Labour Government have been committed, to tackle deprivation, give respect and ensure that individuals are supported through their lives.

David Lepper (Brighton, Pavilion) (Lab/Co-op): I apologise to my right hon. Friend for missing the first part of his speech, but I was serving on a Statutory Instrument Committee with the Under-Secretary, my hon. Friend the Member for Tynemouth (Mr. Campbell). My right hon. Friend talked about community activity. Does he recognise the important role that local action teams play at the neighbourhood level in bringing together local residents, their councillors, representatives of the council and the police to pinpoint where the problems are and to find solutions to deal with them?

Mr. Hanson: Not only did my hon. Friend miss the beginning of my speech, but I nearly missed it myself, because this debate started so quickly.

Local action is vital. I mentioned earlier that the new drive initiated by my right hon. Friend the Home Secretary includes efforts to look at local action plans that not only have the police on board, important though they are, but the local council, as well as enjoying the support of local tenants and residents associations, the local councillor and, as the hon. Member for Orpington said, local housing providers and social landlords. They all have a role, not only in standing up and saying, "This is not acceptable," but in delivering plans that help to support the development of local activity in due course.

Jeremy Wright (Rugby and Kenilworth) (Con): May I ask the Minister to add something else to the list—schools? He is rightly focusing on dealing with young people and giving them the right messages about the consequences of their antisocial behaviour. However, must it not also be the case that bad behaviour must have consequences in schools and that young people should understand that clearly? Is it not important to look at exclusions and ensure that head teachers have the authority to exclude without appeals panels putting children straight back into schools, thereby undermining the head teacher's authority and teaching young people that they can get away with bad behaviour, which is why, I would suggest, the rates at which antisocial behaviour orders are broken are so high, as my hon. Friend the Member for Woking (Mr. Malins) mentioned?

Mr. Hanson: The hon. Gentleman invites me to stray into other areas of departmental policy. I accept—and I give him the assurance—that schools play a central role in instilling discipline. However, I would also want a framework that ensures that when children are excluded, for whatever reason, there is a proper plan for that, so that young people do not have greater problems outside school than the strong discipline in school would pose for them. However, I am sure that my hon. Friend the Under-Secretary will examine his comments on that issue and help him in his winding-up speech.

Siobhain McDonagh (Mitcham and Morden) (Lab): In considering discipline in schools and the relationship between young people and the police, would my right hon. Friend not agree that the initiative to ensure that most schools, including certain high schools in London,

have their own dedicated police officer is important? Through his relationship with those young people, that police officer can often get intelligence on antisocial behaviour and crime being committed locally.

Mr. Hanson: My hon. Friend is absolutely correct. Part of the work that we are doing on neighbourhood policing is about strengthening and embedding those links still further.

I also refer right hon. and hon. Members to the youth crime action plan, which was launched in 2008. The plan is a tripartite scheme, involving not just the Home Office, which is my current Department, but the Ministry of Justice, where I was previously the Minister with responsibility for prisons, probation and youth justice, and the Department for Children, Schools and Families, to look at making that link between schools, justice and activities for young people. That way we can ensure that we have not only tough enforcement and non-negotiable support where necessary, but a heavy focus on prevention.

I refer again to the significant investment made to date in family intervention projects, which also touches on the point that my hon. Friend the Member for Nottingham, North mentioned about ensuring that the multiple problems faced by the most chaotic families, such as drink, drugs, domestic violence and illiteracy—problems that cannot be separated from their communities and which must be dealt with as a whole—are dealt with through added investment. Colleagues will know that my right hon. Friend the Prime Minister recently announced a major expansion of family intervention projects to ensure that we provide the means not only for enforcement but for deep work with chaotic and dysfunctional families.

Mr. Simon Burns (West Chelmsford) (Con): Does the Minister agree that however important rehabilitation is, and it is important, there should, where it is justified, also be an element of punishment? Does he share my amazement at the fact that an 18-year-old who pleaded guilty to an offence in Chelmsford court last week and who asked the court to take into account 645 other offences, which involved stealing more than £1 million-worth of goods, simply got 150 hours of community service and was rehoused with his partner, moving from the town where he lives to Chelmsford?

Mr. Hanson: You will excuse me, Mr. Deputy Speaker, if I cannot comment on an individual case that I know nothing about. I accept what the hon. Gentleman has said, but a punishment based in the community can sometimes be more effective than a short prison sentence. My experience—I know that the hon. Member for Woking (Mr. Malins) shares this view—is that short prison sentences can often be much more damaging in the longer term and lead to much more crime in the longer term than a properly targeted, focused community-based sentence. I cannot comment on the individual case, because I do not know it, but, self-evidently, somebody who goes to prison for 12 weeks might lose any job or home that they have, might not get off the drugs or alcohol that are leading them into particular problems and will, ultimately, not benefit from their time in prison. However, a strong community-based sentence that provides support in the community to tackle issues with drugs or alcohol and which gives people the opportunity to work or live locally can be effective in the longer term in reducing crime.

As a whole, the Government's approach has been successful. Hon. Members would expect me to say that, but it is not just me saying that: three independent reports have told us that that is the case. The National Audit Office report found that two thirds of perpetrators stopped behaving antisocially after one intervention and that nine out of 10 ceased after three interventions. The British crime survey has shown that the negative perception of these issues is falling. If we look at the broader picture in our communities, we see that people are safer than they were 12 years ago, difficult though some of the challenges are. The chances of being a victim of crime are historically low and crime has fallen by 39 per cent. since May 1997. The recent data also show that, on tackling antisocial behaviour issues, confidence in our police has risen in the past year alone, from 45 per cent. in March 2008 to 50 per cent.

The neighbourhood policing role—this goes back to the point mentioned by my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh)—means that we now have 16,000 community support officers, who were an invention of this Government. They not only support police on the ground, but help, particularly in local communities, to deliver a visible response and an embedded police presence in the neighbourhoods that need it most. Indeed, I have been out with local community support officers and I have looked at these issues in detail to see where we are on improving standards. We have provided some of the tools and powers that people want, but as I have said in the debate, there is more that we need to do. We have funded an action line, a website and help and support to practitioners to deal with the issues that I have mentioned.

I want to make a final mention of the youth crime action plan—a particularly important piece of work that is ongoing for the community at large. On enforcement and prevention, the youth crime action plan has been backed by £100 million of additional funding, which has been put into selected areas across the country, where offending rates are highest. That has supported a range of activity across the board to help reduce antisocial behaviour.

On Friday night last week—the night before Halloween—I visited the city of Liverpool, which is the city of my birth, to look at a particular operation in the Clubmoor and Norris Green area, which provides real help and support through interventions to provide Friday and Saturday night activities for young people. On Friday, through the youth crime action plan, the police supported the hiring of a cinema where they showed a film free of charge. Individuals were attracted into the cinema, rather than being on the streets causing mischief. We had an extra policing presence on the streets of Liverpool last Friday night. We had social workers and youth workers from across the city working together to look at vulnerable individuals who might have been drunk or involved in drug-related or other activity. Those youth crime action plan activities are funded by Government money that is being invested on behalf of the taxpayer to prevent crime. Such resources need to continue to be provided, and they will form part of the activities in our campaign to show that public investment is often good investment that makes a real difference on the ground in communities, as I saw on Friday night in Liverpool.

Mrs. Madeleine Moon (Bridgend) (Lab): I, too, was out on Friday night. I hope that my hon. Friend did not have the torrential rain and bitter cold that we had in

[Mrs. Madeleine Moon]

North Cornelly, where I spent the evening with my street pastor scheme. The street pastors are well known for the work that they have done with people who are drinking in town centres, but this is a new scheme that has been set up to work with young people. I was amazed at how many young people we found sitting around the streets and on walls, despite the cold and the torrential rain, with nothing to do. The street pastors invited them into the church to get them involved in cooking, football teams and all sorts of things. That sort of community engagement is vital for showing young people that the community cares.

Mr. Hanson: Absolutely. I am not just talking about the scheme that I saw in Liverpool on Friday night, in which the cinema was opened as part of the plan to bring young people in. I have visited numerous schemes across the country in which police community support officers and local police officers are undertaking activities such as late-night football and youth club activities to try to divert young people in off the streets and get them involved in positive activities. That is all very positive and should be encouraged through the plan.

Alistair Burt (North-East Bedfordshire) (Con): Before the Minister leaves that subject—to which I am sure others will refer later—may I point out that, if we are going to get youngsters actively engaged in voluntary activities such as those, we have to allow the adults the opportunity to work with them? The pressures of extra regulation are making it more difficult for adults to get involved in this way; they feel that it is getting harder to take part in such activities because they are constantly being checked up on. There is a relationship between the two. Will the Minister say something about that before he sits down?

Mr. Hanson: It is extremely important that we have standards in place to ensure that we do not involve individuals who could put young people at risk. The Government's response to this question is the direct result of the Bichard report, following the Soham inquiry, and the Magee review. These dealt with the implications of people working with young children. The Secretary of State for Children, Schools and Families has asked for a review of this matter, and we are looking at how we can get the balance right. It is important to do that, so that individuals can help and support young people while we ensure, as far as we can, that we eliminate the risk of other activity.

Mr. Brooks Newmark (Braintree) (Con): I agree with the point made by the hon. Member for Bridgend (Mrs. Moon). The street pastors in Braintree do an excellent job, but one of the messages that I am hearing, particularly on the estates, relates to the loss of community centres as our towns continue to be developed. There is nowhere for young people to go. More importantly, at the side of every estate, we see signs that say "No balls allowed" or "No kicking balls". Space must be made available so that young people have somewhere to go, outside and inside.

Mr. Hanson: The hon. Gentleman is absolutely right. Young people—believe it or not, I was once one myself—want to be able to play football, or to get involved in a gang in a positive way. I was involved in a gang when I was a young person. They want to have the freedom to do things in a reasonable way and to enjoy the community, and we need to look at where their activities split and start to do damage to the community and become a negative force. The work that we are trying to do, in enforcement and in prevention, has that aim. Yes, the youth crime action plan, the diversionary activities and the support that we are giving to communities involves Government money—taxpayers' money—going into those areas, but that is all being done in a positive manner to ensure that we can provide local alternative activities.

I have spoken for some 40 minutes now, and I want to give colleagues from across the Floor an opportunity to raise issues on the subject. The Government have a strong story to tell. We announced new measures in October this year, and we are committed to tackling antisocial behaviour. Every citizen has the right to enjoy their life, free from the burdens of antisocial behaviour that can damage communities. I look forward to hearing the debate, and to hearing my hon. Friend the Under-Secretary winding up later this evening.

5.39 pm

James Brokenshire (Hornchurch) (Con): I welcome this debate on antisocial behaviour—a problem that blights too many communities across the country and one that has a marked impact on the quality of people's lives, the confidence people have in their own communities and their sense of safety. The Minister himself mentioned these factors in his opening comments.

I need to take the Minister to task, however, over what he said in that opening statement about the Government's sustained or continued approach. Given that on the Home Secretary's own admission, the Government have been "coasting on" for some time, that amounts to a serious indictment of their record on an issue that we were told—we have been told again this afternoon—was a priority. It all seems a far cry from the promise of the former Home Secretary, the right hon. Member for Airdrie and Shotts (John Reid) when he said:

> "We should and will be unremitting in our efforts to drive up standards of behaviour and enforce a culture of respect, for the benefit of all."

Yet we know that the Government's own neighbourhood crime adviser, Louise Casey, acknowledged that the Government had "let people down" on crime and antisocial behaviour. If today's newspaper reports are true, Sara Payne, the Government's victims champion, will warn later this week that the Government need to take antisocial behaviour "a lot more seriously".

Apparently, the current Home Secretary believes that tackling antisocial behaviour has been a good idea that the Government had simply stopped talking about—hence today's debate about antisocial behaviour. It puts me in mind of the comments in the "Respect Handbook", which notes:

> "Communicating action taken is as important as taking action".

In some ways, the problem has been too much talking and not enough doing.

Hazel Blears (Salford) (Lab): If the hon. Gentleman is so keen on action, why does he propose to cut the Home Office budget by £160 million, getting rid of

3,500 police officers, which will mean far less action on the streets of Britain under a Tory Government than under this Labour Government?

James Brokenshire: It is fairly typical of the right hon. Lady to come up with a point like that, when she well knows that there are plenty of savings to be made in the Home Office's budget—on ID cards and all sorts of other things, but not on front-line services. That, I think, is the key part of our policy to ensure that we deliver those front-line services for the benefit of our communities and secure the safety that they rightly deserve.

It is interesting to hear the right hon. Lady approaching the issue in that way when her own Prime Minister has hardly shown leadership from the top. As Prime Minister, he has made only one significant speech on crime and antisocial behaviour. In that speech, given during the summer, he made the carefully considered suggestion that the law-abiding, rather than the law-breaking, should be accompanied to cash point machines by the police—a new twist on what Tony Blair had said previously. The Prime Minister also provided the remarkable insight that

"we face new kinds of crime—especially knife crime"

and

"we face new causes of crime—including binge drinking, youth gangs and problem families".

That poses the question of precisely where the Prime Minister has been for the last 12 years. At the Labour party conference, he claimed:

"I can tell the British people that between now and Christmas, neighbourhood policing will focus in a more direct and intensive way on anti-social behaviour."

A policy on antisocial behaviour, however, is not just for Christmas; it requires a sustained approach, looking at the long term and not just the short term.

The costs of antisocial behaviour—both to society and to the Government as a whole—are significant. According to the National Audit Office, the cost to Government agencies of responding to reports of antisocial behaviour in England and Wales is approximately £3.4 billion a year. In 2008-09, 3.7 million incidents of antisocial behaviour—equivalent to more than 10,000 every day—were recorded by the police in England and Wales. On average, as the Minister said, even according to the Government's figures, 17 per cent. of the population perceive high levels of antisocial behaviour in their area, with the young and the less well-off being disproportionately affected.

Siobhain McDonagh: I may be mistaken, but is not the hon. Gentleman the same MP with whom I discussed antisocial behaviour orders and the whole attitude to antisocial behaviour in an interview on Radio 4? In that, he appeared to mock the Government's attempts to deal with what he said was a particularly difficult issue, so has he been converted to the cause of dealing with antisocial behaviour and, if so, when did that happen?

James Brokenshire: Conservative Members have always been committed to dealing with antisocial behaviour. The hon. Lady is keen to talk about antisocial behaviour orders, and we will deal with those later, because there is plenty to say about them.

Hazel Blears: I am delighted that the hon. Gentleman and his party have experienced a damascene conversion to tackling antisocial behaviour, but I am afraid that his actions are not always as strong as his words. If he believes that antisocial behaviour orders constitute effective powers to tackle antisocial behaviour, will he explain why his party wanted to reduce their length from two years to three months?

James Brokenshire: Antisocial behaviour orders can be effective. We need to subject them to analysis, and to bear in mind the complete lack of focus on them that the Government have displayed. The National Audit Office was very clear about that. If the right hon. Lady will allow me, I shall develop my argument a little further and explain how antisocial behaviour orders may not have lived up to her own expectations, and may not be as effective as they could and should be.

Let me return to the human impact of antisocial behaviour which matters so much—the vandalism and graffiti that make neighbourhoods threatening and unsafe, the abuse and intimidation that put people in daily fear in their communities, and the noise and other acts of selfishness that can even prevent a home from being a place of refuge. The tragic case of Fiona Pilkington, who killed herself and her daughter Francesca, could not provide a more distressing and dark parable to illustrate what it all means.

What was worrying in that case was the fact that Fiona Pilkington's concerns were not responded to. Leicestershire police suggested that low-level disorder was not the responsibility of the police, but that of the council. They were fundamentally wrong. Issues of antisocial behaviour, criminal damage and threatening or abusive behaviour are absolutely a police responsibility. Those are precisely the matters that community policing should be confronting and helping to address, and it is deeply disturbing that responsibility for public protection—providing community safety—could be construed in any other way.

Mrs. Moon: Does the hon. Gentleman not agree that what he has cited is the failure of a particular police force rather than the failure of legislation? South Wales police in my constituency are working proactively with all the care agencies that are dealing with young people to prevent developments from reaching the point at which an antisocial behaviour order is required. Once an order has been issued, so many other interventions have clearly failed. We should be focusing on earlier intervention rather than on antisocial behaviour orders.

James Brokenshire: The hon. Lady has made an important point about the steps that should be taken to prevent antisocial behaviour from occurring in the first place, and it clear that some good partnership work is being done around the country. However, we should consider the context. In response to the very point that the hon. Lady has made, the Police Federation argued that the adoption of initiative after initiative was having a negative impact on policing functions and was, perhaps, causing the police to lose their way when it came to priorities.

Mrs. Moon: I suggest that the Police Federation meet my community safety partnership in Bridgend, which is so proactive and so keen to ensure that it develops partnerships and alternative approaches that the

[Mrs. Moon]

incidence of antisocial behaviour in our area is declining. Where there is success, we should focus on replicating it elsewhere.

James Brokenshire: I am sure that, if the Police Federation follows our proceedings, its members will note what the hon. Lady has said. There is a case for sharing and applying good practice more effectively than is being done at present, and I shall say more about that later. However—this also relates to the hon. Lady's point—I think that we should consider what we mean by antisocial behaviour, as opposed to criminal behaviour, and whether describing behaviour in that way potentially plays down its significance. The term suggests that such activity is selfish and inappropriate, and that it is not the sort of conduct of which society approves, but it also blurs the line between what might be characterised as an annoyance and serious, sustained criminality. The Government's chosen definition of antisocial behaviour brings together a disparate group of seven strands of activity, which leads the Centre for Crime and Justice Studies to suggest that

"it is hardly surprising that anti-social behaviour means whatever the government says it means. This has undoubtedly given ministers enormous scope to target whatever problem they consider to be of interest at any given point in time. Whether such a subjective and amorphous category provides the basis for robust, informed and evidence-based policy is a very different question."

Against this backdrop, serious abusive, threatening and violent activity could be construed as simply antisocial—as something that might have to be put up with and as someone else's problem. It is more than antisocial, however. It is utterly unacceptable; it is criminal and it should be dealt with accordingly.

Mr. David Drew (Stroud) (Lab/Co-op): Does the hon. Gentleman not accept, however, that antisocial behaviour often starts over low-level issues? One obvious example is people falling out over a hedge. That sounds like a ridiculous issue to fall out over, but in my area it has often led to very difficult situations with people doing all sorts of awful things to each other. It then becomes a case of genuine antisocial behaviour. We cannot prejudge causation, therefore.

James Brokenshire: Causation is a pertinent issue, and also a very complex one. A whole range of interventions and support are needed to deal with these situations. There is, however, clearly a need for early action to be taken because, as the National Audit Office report and various other studies demonstrate, such situations can quickly escalate into becoming cases that involve much more serious offending. Addressing situations early is therefore likely to be much more effective than trying to deal with them later when the activity or behaviour has become more engrained.

This comes down in part to effective policing. The police cannot do their job when the Home Office is always breathing down their neck, controlling their actions from the centre. The police spend more time form-filling than feeling collars out on the streets. Just 14 per cent. of all police officers' time is spent on patrol, while 22 per cent. is spent on paperwork. Although the Government have sought to change their command and control structure somewhat, it is interesting to note that the chief constable of Greater Manchester Police, Peter Fahy, highlighted the following:

"There is every indication that the centre is struggling to overcome its addiction to central control through statistical approaches and one-off initiatives."

It is strange that the current approach is to pilot greater police discretion in four areas of the country. We want discretion for officers to be a norm, not simply a pilot.

Mr. Hanson: Can the hon. Gentleman tell me exactly how many targets we currently have for the police?

James Brokenshire: The interesting question here is what exactly the Minister means by that, because if we think about targets, inspection and the policing pledge, we realise that there is a whole range of issues on which the police are measured under a specific target-driven approach. Therefore, it is still interesting that—*[Interruption.]* The Minister claims from a sedentary position that there is only a limited range of targets, yet it is clear from the quote I have given that the police themselves think that the Government's command and control driven target approach is still very evident. The police still strongly feel that.

Siobhain McDonagh: I take on board the hon. Gentleman's concerns, but does he not agree that we often need to direct when we want large public sector bodies to become involved in a new area of policy, such as in law and policing? Over the last 10 years, I have found that the police have often been resistant to getting involved in antisocial behaviour situations and that what is required is encouragement and the concerns of the public to be expressed. Every public body should be adaptable to people's feelings and perceptions.

James Brokenshire: That is interesting, because the hon. Lady suggests that the power should come from the people—that it should come from the ground up, rather than from the top down. Therefore, she is making a case against her other point about the need to direct from the centre.

There is a need to create greater discretion across policing as quickly as possible, and our approach is based on two clear and simple principles: scrapping needless paperwork by giving more discretion to the police, and giving officers the power to innovate and stay on the beat. We do not need a whole host of targets, reviews, reports, key performance indicators, investigations and toolkits to meet the simple goal of reducing crime and antisocial behaviour. We need officers to be on the streets, not behind their desks. That is why we would cut the targets, the bureaucracy and the central control to allow police officers to get on with the job. That is also why we would abolish statutory charging for all summary offences and some offences triable "either way", as we want to cut the pre-charge police paperwork that currently has to be given to the Crown Prosecution Service and wish to help restore morale among custody sergeants.

Chris Huhne: Before the hon. Gentleman moves away from the issue of getting more police on to the front line, may I ask what commitment his party is prepared to give in respect of putting more officers on the streets?

James Brokenshire: We have made a very clear commitment to keeping officers on the streets. Our approach is that we must ensure that front-line policing is supported because the public want to know that they have police officers there—there to protect and support them and to deal with the issues that matter to communities. That is why we are proposing these practical measures to address that by getting officers back on to the streets and ensuring that police officers have more time to deal with the problems that communities are concerned about. That is also why we would simplify processes, such as recording stops and searches by radioing in the basic details rather than filling out a form at the scene and another form back at the station, and why we would trial specially designed mobile custody suites—or mobile urban jails—to enable officers to process offenders on site without having to go back to the station.

Instead of improving and promoting good practice, inspection has become a stifling burden almost with a life of its own, with different agencies, different requirements, and different, and potentially conflicting, outcomes measured—and there is more and more to inspect.

Nadine Dorries (Mid-Bedfordshire) (Con): Does my hon. Friend agree that, because of such inspection and the attempt to meet targets, many policing priorities have become distorted at the local level, so that whereas police may be available in some areas they are often directed to focus on issues that do not directly benefit the people living in their communities?

James Brokenshire: My hon. Friend makes an important point about localising priorities. Some aspects of the culture that has been created have not supported or helped in that regard, nor have they ensured that the concerns of communities have been adequately addressed. This underlines why we must have a bottom-up approach and why communities' needs and concerns must be respected.

Mrs. Moon: Will the hon. Gentleman give way?

James Brokenshire: I have been generous in giving way, so I will move on if I may, as I would like to return to my point on inspection.

We now have the policing pledge. On the face of it, its purpose is to set and raise standards, but adherence to it will be inspected. Therefore, we will have a further range of inspection of performance against the police pledge. It was introduced as a message to the public, not as another set of metrics by which to judge performance. If we keep on inspecting and inspecting, we will lose more and more police from the streets and spend more and more time on people in offices.

In addition, there are the tools and sanctions available to those in authority to deal with unacceptable behaviour. The Government have emphasised one particular order above all others: the ASBO. In the "Respect action plan", Tony Blair claimed that the ASBO

"is now a household expression—synonymous with tackling anti-social behaviour."

As with so many other statements of the former Prime Minister, if only it were true.

It was claimed that these orders would help to prevent problems in neighbourhoods, but if prevention was the intention, the breach rate of the orders would not be as high as it is. In some parts of the country, more ASBOs are being breached than are being issued. In Humberside, Northumbria, Surrey, Gwent and Leicestershire, breaches of the orders outstrip the number of new ASBOs being issued. As Chief Superintendent Neil Wain notes in his insightful analysis, "The ASBO: wrong turning, dead end":

"As a serving police officer I had considerable use of ASBOs and what struck me was not only did they get breached on a regular basis, they did not appear to be controlling the behaviour of those subject to them."

The Centre for Crime and Justice Studies notes that the Government's flagship ASBO policy

"faced huge implementation problems at the start and is looking increasingly discredited as a mainstream response."

It is interesting to note those comments, because clearly the policy was not necessarily thought through. The Youth Justice Board's report on ASBOs indicated that many young people still do not have a clear understanding of the details of their orders; it was found to be not uncommon for them to "flout openly" the prohibitions that placed the greatest restrictions on their lifestyle. Most young people did not regard custody for breach as a real threat or deterrent.

For a while, it seemed that the Government had fallen out of love with the ASBO, with Ministers keener to talk about broader antisocial behaviour "interventions" than ASBOs. The Children's Secretary even went as far as to claim:

"It's a failure every time a young person gets an ASBO".

ASBOs are now back on the agenda—reheated, repackaged and re-spun—with the Prime Minister's latest contribution to YouTube calling for greater publicity for ASBOs, despite the fears of perhaps making them a badge of honour, and with the Home Secretary putting renewed emphasis on the orders with the creation of drinking banning orders or so-called "booze ASBOs", even though a year ago I was told in a written answer that the Home Office was questioning whether the orders were needed at all.

As they have done this afternoon in the Minister's contribution, the Government have sought to pray in aid the National Audit Office in support of their approach. Yet, the NAO found that the most effective intervention to prevent further incidents of antisocial behaviour among young people was not an ASBO but a simple warning letter. Rather than support the Government's claims of effectiveness for ASBOs and other antisocial behaviour interventions, the National Audit Office observed that it was not possible to draw any conclusions as to whether other forms of intervention, or no intervention at all, would have achieved the same, or a better, outcome—the NAO and the Government just did not know.

The Government's approach has betrayed a complete lack of proper analytical assessment of the various measures that they have introduced. That point was made by the Public Accounts Committee, which noted:

"Comparable local areas use different approaches to dealing with anti-social behaviour and there has been no comparative evaluation of the success of these approaches. Nor has there been a comprehensive evaluation of the use and success of the different measures and powers, making it difficult for the Home Office, the Respect Task Force and those dealing with anti-social behaviour to assess what works best."

Despite the NAO specifically calling on the Home Office to evaluate formally the success of different interventions and the impact of combining enforcement

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interventions with support services to advise antisocial behaviour co-ordinators better at a local level, nothing has been published to date; the Home Office took the recommendation so seriously that it has only recently commissioned an independent evaluation of the comparative effectiveness of antisocial behaviour interventions, and it is expected to report next spring—that is more than three years after the NAO first highlighted the need for such an assessment.

Hazel Blears: To make it clear to me, and, more importantly, to inform the public, will the hon. Gentleman confirm to the House, here and now, whether his party supports antisocial behaviour orders?

James Brokenshire: As I have already said to the right hon. Lady, we support the use of ASBOs in a targeted way. The information that I have just provided simply sets out that their application and the approach has not been properly considered. That point is made not by me, but by the NAO. It is, I think, strange that the Government have been dragging their feet on providing the qualitative analysis required to ensure that practitioners and communities are addressing antisocial behaviour in the most effective way, which is the point that the NAO was making.

Caroline Flint (Don Valley) (Lab) *rose—*

James Brokenshire: I will move on, because I have been generous in giving way to lots of people.

We would give police officers the discretion to deal quickly and effectively with young troublemakers who commit antisocial behaviour before they go on to commit more serious offences. We believe that there is a need for a quicker, less bureaucratic and more effective mechanism for addressing delinquent and unacceptable behaviour in order to help to prevent young troublemakers from going on to commit more serious offences. That is why we have proposed the introduction of the grounding order, which would enable the police to apply to a magistrate for an order against a persistent troublemaker, confining them to their homes for up to a month, except during school hours. If an individual were to break that curfew order, they should expect to find themselves arrested.

Let us consider public action to address unacceptable behaviour. According to Louise Casey, 75 per cent. of the public say that they are prepared to take an active role in helping to tackle crime. However, just four out of 10 people say that they would intervene to challenge antisocial behaviour, which is less than in any comparable European country—six out of 10 in Germany would step in. One of the barriers that exists is the feeling that if someone gets involved—if they challenge unacceptable behaviour and, for example, seek to enforce their ability to conduct a citizen's arrest—they might be the one on the receiving end and, rather than being supported by the police and the prosecutors, they might be the one ending up with the criminal record. Louise Casey's report states:

> "There was a strong view from members of the public during the review that they would no longer intervene if they saw a crime taking place, for fear that they would either be attacked by the perpetrators or be arrested themselves by the police."

Chris Huhne: The hon. Gentleman mentioned the proposal of the hon. Member for Epsom and Ewell (Chris Grayling) to introduce grounding orders, but he did not mention the other proposals made at the same time, which included confiscating mobile phones. Has his party dropped those proposals?

James Brokenshire: No, far from it. I did not mention those proposals for the sake of brevity and to allow other hon. Members to take part in this debate. We are certainly working up the proposals that my hon. Friend the Member for Epsom and Ewell has actively highlighted. I shall return to the point about active participation by communities, once I have taken an intervention from the hon. Member for Nottingham, North (Mr. Allen).

Mr. Allen: I know that, beneath the party political banter, the hon. Gentleman thinks deeply about some of these issues. I want to take him back to his point about assessment and the evidence base. I hope that he will underline the fact that any future Government, of any political party, should always look at the evidence and the assessment, so that we get the right set of policies. Does he agree that massive savings would result if we were to spend a small sum helping young people—infants and children—grow up to be capable citizens, rather than spending billions and billions of pounds on court costs, drug rehab, tackling drink abuse and so on? Will he examine such an approach? It could do great things for his already flowering career, because he would be able to save billions of pounds at a time when we are looking to repay some of the debt that is accumulating.

James Brokenshire: The hon. Gentleman has made a significant contribution to the debate through a number of the pamphlets and papers on the need for early intervention, on the focus that he has discussed and on the fact that if we take action when people are younger, we can make such a difference. I recognise what he has said, and I will discuss that preventive approach, focusing on those sorts of issues, before I conclude. He makes a powerful and important point, which I know is shared by my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), who has produced a number of papers on early intervention and on dealing with family breakdown issues and ensuring that those issues are focused on because of the significant difference that can be made.

I return to the point about active citizens and people's apparent reluctance now to intervene to confront antisocial behaviour and crime. We believe that there is a need to support, rather than hinder, the active citizen. That is why we would amend the police guidelines so that officers back those who use reasonable force to maintain the Queen's peace, and why we believe the code for Crown prosecutors should be amended so that it is clear that it is not in the public interest to prosecute those who reasonably and legitimately perform a citizen's arrest in good faith. If people take appropriate action to protect their communities, they should be praised, not prosecuted.

Let us move on to the wider issue. Enforcement, sanctions and policing are only one part of the solution. If we are to make a more sustained and substantial shift in community safety, we have to address the underlying

causes behind that behaviour; aggression, abusiveness and violence are, in part, a symptom of much wider and deeper societal malaise. As Barnardo's rightly points out in its briefing for today's debate,

"the underlying causes of anti-social behaviour are complex and multi-generational."

This is about addiction: the UK has the highest level of drug use and the second highest level of drug-related deaths in Europe. It is about the binge drinking culture, with more violence in the small hours of the night and hospital casualty departments having to deal with those who have committed alcohol-fuelled excess. We need to deal with truancy and exclusion from school, ensuring that underachievement and the lack of basic skills do not close off options to employment and lead inexorably down a criminal career path. We need to strengthen and support families and deal with a benefit system that has become so complex that it holds people down in poverty rather than lifting them out to fulfil their aspirations.

That is why family policy is so essential in setting boundaries and instilling discipline as well as creating greater understanding and respect for people from a different generation from one's own. Parents are the key to the debate, as they can raise the aspirations and opportunities of their children and give them the best chance in life to fulfil their aspirations. However, they can also hold them back and discourage them from fulfilling their potential for fear that, as I heard in one deeply depressing case, their child's success will highlight their own weaknesses and failures and the inadequacies of their lives.

Particular times in a family's life put extra pressure on relationships, and the early years of a child's life are a good example. Parents are more likely to split up in the first year after their child's birth than at any other time. Family breakdown is, of course, not the only cause of our present societal problems, but some figures stand out. A child whose parents have split up is twice as likely to live in poverty and more than 75 per cent. more likely to suffer educational failure. According to the Centre for Social Justice, more than 70 per cent of young offenders come from lone-parent families.

Such deep-rooted problems require a sustained approach over the short term, medium term and long term. That is why we would end the couple penalty in the benefits system so that families are no longer incentivised to live apart and why we would provide more health visitors across the country, so that families have the support and advice they need to give their children a good start in life. We would ensure that there is greater discipline in schools, with head teachers having the right to exclude pupils, and we would enable schools to make behaviour contracts legally enforceable. We would also reform pupil referral units to ensure that they adopt the best practice of those graded by Ofsted as outstanding and of special schools that cater for children with behavioural difficulties to get troubled youngsters back into mainstream education as quickly as possible.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my hon. Friend agree that we also need to have an extensive look at the way in which many teachers think about looking after children? I was rather surprised to find that at the three party conferences, one teachers union had a large headline over their stand that read, "Putting teachers first". Is it not important for our teaching unions to think again about putting children first?

James Brokenshire: My right hon. Friend makes a powerful and impassioned plea on this point. The focus needs to be on the children, for all the reasons to do with early intervention that I have already pointed out, so that we give children the best start in life and allow them to fulfil their potential, to take their opportunities and to ensure that they are positive, contributing members of our society. My right hon. Friend's point will be heard loud and clear not only around this Chamber but in various places around the country, too.

David Taylor (North-West Leicestershire) (Lab/Co-op): The right hon. Member for Suffolk, Coastal (Mr. Gummer) is being uncharacteristically unfair to the teaching profession. That was not the inference to be drawn—I am not a teacher—from the headline that he quoted. The teachers were seeking greater influence in the way in which education policies are developed and extended. They were not suggesting that they were somehow at the top of the pecking order and that children, parents and the rest were beneath them. It is very unfair of the right hon. Gentleman to describe that stand in such a fashion.

James Brokenshire: I am grateful to the hon. Gentleman for that point. It is a question of focusing on children but working in partnership with that focus. I suppose that it is about having that factor in focus when ensuring that we consider the well-being of children.

Mr. Allen: I do not know whether the hon. Gentleman has heard the words of John Carnochan, the former head of homicide in Glasgow and not someone whom anyone would regard as a pushover. He said that, looking back on his career, he wished that when he was offered 100 extra police officers he had chosen to have 100 extra health visitors, because of the intergenerational nature of violent crime in certain areas. He stated that he felt that our current policy was very much like having gold-plated ambulances at the bottom of a cliff rather than investing in an inexpensive fence at the top of it. Early intervention will stop a lot of things that the hon. Gentleman is talking about and allow those families to self-perpetuate positive traits with optimal parenting skills, which will reduce crime, drink and drug abuse and all the other problems. Will the hon. Gentleman recommit to that, as I know that many members of his party feel the same as I do?

James Brokenshire: I think that the hon. Gentleman has made his point very powerfully and persuasively. That is why I made the point about health workers and giving support to parents in the early years of a child's life. It is recognised that that can make a difference in creating a much more positive outcome for family and for the child if those problems are identified early on. That is why it is important to focus on the issues to do with early intervention, so that we take a preventive approach.

We need to ensure that any changes that are made are long lasting and that we make an intergenerational break. It is exceptionally dark and depressing to go to various parts of the country and to hear of third or fourth generation gang members. When such an approach is passed down in a family from one generation to the next and then to the next without any apparent hope or opportunity for the young people concerned, that is not

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the sort of society in which I want to live. I am sure that that view is shared across the House by Members of whatever political colour.

John Hemming (Birmingham, Yardley) (LD): I thank the hon. Gentleman for giving way on the subject of early intervention and the need to support families at that stage. I had the opportunity to visit a Sure Start centre in my constituency and, separately, to go to see Home-Start, which does similar sorts of early intervention support work. Home-Start said that about half of its problems arise from bad housing, whereas Sure Start said that some 75 per cent. of family problems arise from bad housing. From a holistic perspective, does the hon. Gentleman that agree that if we are going to deal with that, we need to ensure that there is a stable housing environment? Without that, it is quite difficult to provide early intervention and support for the families and to keep things on an even keel.

James Brokenshire: The hon. Gentleman has made the point about housing in his own way. Clearly, when we consider housing and the resettlement of offenders when they leave prison or drug rehabilitation, we need to ensure that there is adequate housing that enables people to come back into a community. It is essential to have a housing mix as part of that.

We also need to deal with drugs. We would introduce an abstinence-based drug rehabilitation order to break the cycle of addiction and offending, re-focus the approach to treatment on rehabilitation and recovery rather than simple maintenance and management, and emphasise prevention in drugs education rather than simple harm reduction and acceptance. We would also introduce a national citizens service programme for all 16-year-olds who want a place, providing a six-week programme to strengthen the skills, confidence and outlook of young people as they approach adulthood.

Then there is the framework for delivering sustained change on crime and unacceptable behaviour. Local authorities should be re-focused on crime prevention and early intervention, providing services to prevent crime from happening rather than attempting to reduce it once it has. Many local authorities are doing innovative positive work in their communities to combat antisocial behaviour, but, as we have heard, too many crime and disorder partnerships are police-led rather than council-driven. Rather than having even more micro-management, there should be clearer ways to identify and share good practice—practice that is scalable and transferable—and the Audit Commission has an important role to play in collating and communicating that information.

Rather than trying to fulfil some of the roles of local authorities as well, the police should be allowed to concentrate on what they do best—deterrence, detection and enforcement. There should be clearer responsibilities, clearer ownership of problems and clearer accountability. We need to address the perverse incentives that are hard-wired into the system and seem to encourage the approach whereby drug treatment strategies are largely focused on substituting a prescription for a drug habit, often ending with illicit drugs, methadone and other prescribed drugs being taken at the same time, and whereby it is seemingly more cost-effective for local authorities to let troubled teenagers go to young offender institutions than to deal with the factors behind their behaviour. That is simply absurd.

It is time for a new approach based on the recognition that only with the Government and individuals, and the social institutions that exist between the two, sharing responsibility can we make substantial and sustained differences in changing behaviour; that families and communities are more effective at instilling a culture of respect and responsibility than laws, rules or regulations; and that, ultimately, societal change is required to promote safer and more cohesive communities. This is too serious an issue to be allowed to drift or for people to coast on. If the Government are unable to meet that challenge and to demonstrate their commitment to the sustained approach that is needed to deal with the problems in our communities, we are ready, willing and waiting to meet that challenge.

6.21 pm

Hazel Blears (Salford) (Lab): I am pleased to make a contribution in what is an important debate, as evidenced by the number of hon. Members in the House on an occasion when a vote is not likely. That indicates interest from all parties in what are very significant and serious issues for our communities.

I am particularly pleased to contribute because I represent Salford—one of the most deprived communities in the country, although the area has been transformed in recent years—and I want to commend my right hon. Friend the Minister for the energy, enthusiasm, tenacity and determination that he has shown not just in tonight's debate, but in his personal commitment to tackling antisocial behaviour, because he and I appreciate that the poorest people in the poorest communities often suffer disproportionately from antisocial behaviour. For many years, that fact went unacknowledged and unchallenged, and there was a failure on the part of all parties in local and national Government to recognise that those people who very often did not have a voice, power or influence in our society were subject to some pretty horrific actions in their communities. That was certainly the case in Salford 15 or so years ago. In the past few years things have changed, but there is still a great deal more work to do.

Nationally, the figures for antisocial behaviour have reduced from 21 per cent. of the population feeling that antisocial behaviour is a big problem to 17 per cent. In my community, the figure is still just over 30 per cent., so this is a big and important issue for our communities. I am sad that some of the comments so far—I hope that other contributions will strike a balance—seem to have drifted into the analysis that this is about either enforcement or support. The purpose of every policy undertaken by the Labour Government for the past decade or so is to ensure that a twin-track approach is adopted.

Of course there must be enforcement. The communities that face a range of problems need respite, support and the backing of the police, local councils and public agencies. Underneath that, there must be the polices mentioned on many occasions by my hon. Friend the Member for Nottingham, North (Mr. Allen): early intervention, support and prevention. Those things are not mutually exclusive, and if we characterise the debate by simply saying that all the regulations and orders—whether ASBOs, ASBOs on conviction, parenting orders

or parenting contracts—do not matter and that we need to shift our investment to early intervention and prevention, we will be doing a disservice to some of the people still in poor communities who experience antisocial behaviour every day and, in many cases, are still under attack. I am happy to say that those families are perhaps fewer in number than some years ago and that there has been a great deal of success in tackling antisocial behaviour, but the problems are still there.

David Taylor: Of course my right hon. Friend is right to suggest that there are social and economic reasons why such neglect should not be allowed to continue. Does she agree that the alienation, despair and neglect sometimes felt in those poorer communities have made them more susceptible to the political activities of extremist parties and that tackling those would be a beneficial side effect of an increased focus on poorer communities?

Hazel Blears: My hon. Friend makes an important point and, again, one that I hope will be supported right across the House. When people feel disaffected and excluded from opportunities that other people take for granted—whether in education and housing or, indeed, in their safety and security—there is ripe and fertile territory for the poisonous and divisive messages of extremists. We must do everything that we can, whatever shade of politics we adopt, to ensure that those people have the same rights, ambitions and opportunities as people in more affluent communities.

I hope that hon. Members will acknowledge that there are two sides to policy on antisocial behaviour: enforcement and support. I should like to commend my own local authority—particularly its leader, Councillor John Merry, and the deputy leader, Councillor David Lancaster, who takes the lead on these issues—for doing what the hon. Member for Hornchurch (James Brokenshire) was saying does not happen. Our city council—a good Labour council—takes the lead and drives on a range of issues. We have been a pilot area for every initiative that anyone would care to name. Our council is absolutely committed, and our police service takes extremely good action. I spoke to my chief superintendent, Kevin Mulligan, this morning, and he said, "Hazel, there's a lot of debate about antisocial behaviour orders. People have been cooling on them in recent times. I'll tell you this: I'm not one of them. I'm a chief superintendent, and I want the whole range of tools at my disposal—ASBOs, parenting orders, contracts and dispersal orders." He is a hands-on cop, and he is determined that he will protect the people of Salford.

John Hemming: Perhaps the right hon. Lady will agree that another aspect of the problem is that human behaviour is often habitual, rather than necessarily rational, that people need to develop good habits, and that one way to enable them to do so is for us to ensure there is better discipline in schools. In my constituency four or five years ago, a child was excluded from school for assaulting a classroom assistant, yet that child was forced back into school. Does the right hon. Lady agree that that is not helpful to good discipline?

Hazel Blears: I certainly agree that discipline is essential and that it is important at school, but I will be frank with the hon. Gentleman: many of these problems start at home. The primary responsibility lies with parents. About 90 per cent. of the public say in all our surveys that parents must take more responsibility. I agree that schools have a major role to play, but it is not simply down to them. If people learn the boundaries and standards of behaviour at home, they will take them with them through the rest of their lives.

Mr. Allen: Does my right hon. Friend agree that a small child who develops social and emotional capabilities will be a better student, will listen and learn, will have an aspiration to work and will, in turn and above all, become a good parent? We cannot start early enough in offering the support that she mentions to ensure that children grow up that way. Every public sector servant—whether her chief superintendent, her council leader, a teacher or a doctor—will give the same message: if we can get to those youngsters early, they will not become offenders or spend a lifetime on benefits. That is the core of early intervention philosophy, which, of course, must be balanced by dealing with those people who ultimately transgress. We must have more time to deal with those who transgress—

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Gentleman is an experienced Member; interventions are getting lengthier and lengthier, and several hon. Members hope to speak.

Hazel Blears: I entirely agree with my hon. Friend about early intervention. I saw some research recently that analysed the reasons for antisocial behaviour and talked about children at the very early stages of their lives. It said that many of those children, if they were not loved, had no idea about empathy and simply did not realise the effects of their behaviour on other people because they had not had a bonding experience with their parents at an early age. My hon. Friend is right to say that we need to intervene early.

John Hemming *rose—*

Hazel Blears: I will press on, because other hon. Members want to contribute to the debate.

I want to say a little about motorbikes and scrambler bikes. As a motorcyclist, I am obviously very keen to make sure that people use their motorbikes properly, but I am afraid that far too many people use them to cause an absolute nuisance to other people. I have been out and about in every part of Salford over the past few months. A few weeks ago in the Claremont and Duchy areas of my constituency, people told me that scrambler bikes, quad bikes and mini-motos were a menace to them and their communities. I am delighted to say that some 40 of those motorbikes were confiscated over the summer, and on Friday last week a public crushing ceremony was conducted in Buile Hill park.

That is not complicated, it is not detailed policy administration, and it is not based on a huge amount of research, but I can tell the House that that kind of visible, simple, tangible action where something has been a nuisance, the police and the council have acted, and there has been a visible crushing of the bikes in the park, has done more to raise public confidence in the community than many other things. I commend Chief Inspector Mark Kenny, who is responsible for our operations, for doing something that can be seen and is important to us.

[Hazel Blears]

Far too many decent people in our communities have to put up with intimidation, harassment and unacceptable behaviour. I am sorry to say that there are people who do not give a damn about the effect of their behaviour on others. That is why it is important that the police use the whole range of tools available.

I asked Mark Kenny on Friday, "Do you need any more legislation, Mark, in order to tackle these issues?" He said, "No, I don't, Hazel. We've now got a whole range of tools at our disposal. I don't have to turn up at an incident and say there's nothing I can do. There's always something I can do." As a police officer, he also wanted the freedom to be out there on the streets, showing that he was on the side of decent people.

There will be a range of operations this week. It was Hallowe'en on Saturday, and it is bonfire night on Thursday. These occasions ought to be the opportunity for families to have fun and to go out to enjoy themselves, but all too often many communities live in dread of such events. Many, many families have suffered incidents such as having eggs thrown at their windows, or being terrorised with fireworks. Again, I am delighted that this week in Salford we have Operation Treacle—not quite operation treacle toffee—and Operation Staysafe, which are major operations being undertaken not just by the police but by the local council, the youth service and trading standards—a range of public agencies determined to keep people safe over the next few weeks.

This week a roadshow is going to 10 areas of our city, asking local people, "What more do you want us to do to tackle antisocial behaviour in your neighbourhood?" Agencies are not simply saying what they are going to do, but are asking people, "What are your priorities? How can you help to drive our agenda?" I want to see more of that. The hon. Member for Hornchurch spoke about active citizens. If we give active citizens the right to set the priorities for the police and for their councils, they will be far more likely to join us and to stand shoulder to shoulder with us because they have been able to influence that agenda.

Mr. Allen: I thank my right hon. Friend for giving way. She is very generous, and I will not interrupt her again. Does she agree that one of the most important developments over the past 10 years has been the development of uniformed services other than the police—for example, police community support officers, community protection officers and wardens—uniforms on the street at different levels whom people can interact with and trust? That has been extremely important. Does she hope, as I do, that Governments in the future will ensure that all these levels of security on the streets continue?

Hazel Blears: When we meet police community support officers, all of us as constituency Members of Parliament have huge regard for them. They are out 90 per cent. of their time, patrolling. They have time to build relationships. They meet the head teachers and the shopkeepers, and they protect the public. Any political party that seeks to make cheap points about PCSOs needs to think again.

I was pleased to be the Minister in charge of the Respect action plan when the family intervention projects were first commenced. They are one of the most significant things that we have done to tackle the antisocial behaviour agenda, which is what people would call a wicked issue. It is not susceptible to normal approaches through the criminal justice system. That is why it is so controversial. The family intervention projects are innovative and exciting, and they are the way forward for us. I am delighted that the Prime Minister has announced a massive expansion of the projects so that we will, I hope, be able to turn around the lives of the 50,000 most dysfunctional families in this country. If that is not a transformational act, I do not know what is.

When family intervention projects were first proposed, when I was the Minister responsible, they were characterised to me as "muscular social work". I thought that was a lovely description. They were put forward as projects where, if necessary, a muscular social worker would virtually live with one of our most chaotic families. They would make sure that the family got up in the morning, that the children got dressed, that there was a hot meal on the table in the evening, and that they went to bed at a decent hour. Some people thought this was the nanny state gone mad, but for the most chaotic and dysfunctional families, getting a routine into their lives was almost the basic starting point in tackling antisocial behaviour.

An extensive evaluation has been carried out by the National Centre for Social Research. I was very taken with the way families described this muscular social work approach. They said that the intervention staff would

> "be there hammering on your door ... and they'd come in, they'd say, 'Right. Have you got the kids up? Are they washed? Have they brushed their teeth? Have they done their hair?' By the time they threw all that at you, you're thinking to yourself, my god, what's going on here, you know. But they pushed, they do push you quite hard to get it done."

Such sustained intervention has been key to the family intervention projects' success.

The evaluation identified eight key factors in the family intervention projects. I shall mention a couple of them. The first is that there was a dedicated key worker, who worked with the family intensively for as long as it took to make a difference. That sustainability is key. There is no point in intervening for six weeks or three months if that family needs 18 months or two years of intensive attention in order to change their behaviour.

The second key factor is that as well as support, sanctions were key to success. Most of the families in the projects were facing the possibility of eviction from their homes for antisocial behaviour. Having the ability to say, "Either you change your behaviour or there will be consequences," and the fact that there are sanctions in the system, has been fundamental to changing the behaviour of many of those families. It is important that there is this element of enforcement, as well as support. With this whole family approach, and with a sustained, dedicated key worker intervening for long enough, it is possible make a huge difference.

Nadine Dorries: The right hon. Lady talks about sanctions, such as families being removed from their homes if they do not comply. Were those sanctions enforced? If so, in how many cases, and how effective were they? I have trouble understanding how it improves the situation if someone is evicted from their home.

Hazel Blears: I am delighted to be able to tell the hon. Lady that in 85 per cent. of cases, the behaviour changed sufficiently that those families were no longer facing the threat of eviction for antisocial behaviour because they were no longer a nuisance to their neighbours. Many of them may not have become the neighbours from heaven, but they certainly stopped being the neighbours from hell. It was therefore tremendously successful in 85 per cent. of cases.

The Salford project, which is run by Action for Children, was one of the early pioneers. We have been going for three or four years. It is coping with up to 60 families, and I hope that with the Prime Minister's announcement of the expansion of the projects, we could double that number to just over 100 families. Then we would start to reach people who are not yet in crisis, but for whom we have identified a range of ways they need to be helped.

The family intervention projects in Salford have been a tremendous success. A lady told me this morning about a mum who had a serious alcohol problem, was facing domestic violence, was causing noise and criminal damage, was facing the prospect of eviction, and whose children were out of school. Within 18 months—these things do not happen quickly—that mum has reduced her alcohol consumption, she is on the user group for the project, she is interviewing staff, her children are back in school, and there has not been a report of antisocial behaviour for the past five months. That is real evidence of the success of this way of working.

The family intervention projects illustrate a whole new way of working that could be really useful for our public services generally. It is about integrated working by a range of agencies, and about saving money and using it more effectively. Most of those families cost about £250,000 a year, having had a multiplicity of public sector interventions that did not change their behaviour. We have probably saved about £200,000 per family, because we have brought together services, given the families a key worker, given the key worker sufficient influence to change the way the way those services work and changed behaviour. If that is not smarter working, I really do not know what is. In the years to come, money will be tight whichever Government have to make the decisions. Therefore, by learning the lessons of the family intervention projects, we can use our money more wisely in the long term, and that will be hugely important.

Other aspects of the antisocial behaviour agenda have made us think differently. The co-location of services, for example, has brought together police and probation officers and debt and drug counsellors, and Salford was the second pilot area for the community justice approach, which was trialled in Liverpool. We have trained every one of our magistrates in restorative justice and antisocial behaviour, and ensured that we use our housing powers to the utmost in order to make that difference.

We have found housing injunctions to be incredibly important. We have issued 100, and, when they have been breached, we have been prepared to go to court for committal to prison. There have been four prison sentences and five suspended sentences; again, we have shown that we mean business. If someone has a housing injunction, their behaviour needs to change: if they behave well, of course they will be left to live in their home and carry on in their community; but if they breach the injunction, consequences will follow, and that is very important, indeed. At Salix Homes, we have a very driven Better Neighbourhoods officer, Sue Sutton, who has just rewritten all our tenancy conditions to place a heavier emphasis on tenant responsibility. She is absolutely determined to ensure that that works.

We need integrated services, with councils, the police and a range of agencies working together, but we also need the determination to protect the decent people in our communities. I say to my right hon. Friend the Minister for Policing, Crime and Counter-Terrorism that much good work has been done, and I welcome the Home Secretary's announcement on breaches of ASBOs, publicising ASBOs and giving more support to victims. However, I still believe that there is a great deal more to be done if we are to protect the most vulnerable people in our poorest communities.

That agenda has driven me ever since I entered Parliament, because I live in my community and know the problems that people face daily. I see them for myself, and I see many people who are harassed and intimidated through no fault of their own. It is the personal responsibility of every Member, including me, to speak up for people who do not have a voice, and to exercise power for people who are powerless. I therefore ask Members from all parts of the House to support the use of enforcement powers where necessary. Of course we should practise early intervention and try to prevent problems from happening in the first place, but for goodness' sake let us not shy away from the fact that we have a responsibility to protect people and ensure that they can lead their lives in peace and go about their business without the fear of harassment and intimidation. Such behaviour still occurs all too often, but it occurs less often, and for that I am grateful.

I believe that our Labour Government are on the side of the people in our communities, and long may they remain so. I also welcome the conversion of Members from other parties, although I have yet to hear from the Liberal Democrats—it will be very interesting to find out whether they have changed their minds on antisocial behaviour. I shall be interested to hear what the hon. Member for Eastleigh (Chris Huhne) has to say about the national picture, but I know that locally, in Salford and in many other places throughout the country, Liberal Democrat councillors have consistently opposed the use of dispersal orders and antisocial behaviour orders. Their record locally is very poor indeed.

This Labour Government, however, will continue to be on the side of the people who need our protection. I am absolutely delighted about that, and long may it be the case.

6.44 pm

Chris Huhne (Eastleigh) (LD): I was about to compliment the right hon. Member for Salford (Hazel Blears)—before she finished with that outrageous slur on my party—on a thoughtful and interesting speech. I very much agree with her central thrust, which, as I understand it, is that we need to deal with the problem by using a set of agencies across the Government and locally. I recently visited the Liverpool community justice experiment and was very impressed by it. I know that there has been a similar effort in Salford, too, but it depresses me that the Ministry of Justice has decided not to roll out the

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scheme, because it seems that there has not been a holistic appreciation of the cost savings to other Departments. The MOJ has looked at the costs that its own budget would incur, but it has not taken into account the savings elsewhere. Our inability to join up government in a way that makes the most effective contribution is an enormous problem.

I welcome the debate, which is a valuable opportunity to discuss a serious issue, and I shall discuss two main aspects. First, I shall consider the scale of the problem and outline why the measures being used to tackle it are not working; and, secondly, I shall outline my party's position on antisocial behaviour and make it clear how we believe that it can be effectively challenged by considering the evidence of those policies that work and those that do not.

Antisocial behaviour is one of the greatest challenges that our society faces, and I agree with the right hon. Lady not least on her point that it affects those who are most vulnerable in our society—not just young people, as many people think, but those living in low-income and deprived areas. In 2008-09, the police recorded more than 3.5 million incidents of antisocial behaviour—more than 10,000 a day. The Home Office estimates that responding to antisocial behaviour costs the taxpayer £3.4 billion a year. Some 17 per cent. of the population believe that there is a high level of antisocial behaviour. That is an improvement on previous recorded findings, but the figure is still far too high, particularly in low-income areas, where it rises to 32 per cent. when people in so-called "hard-pressed" areas are asked. They are typical of the area that the right hon. Lady represents.

However, knee-jerk and punitive measures that are applied indiscriminately and in isolation do not work well. The most infamous of those is, of course, the antisocial behaviour order, and such orders are now routinely breached, as the hon. Member for Hornchurch (James Brokenshire) said. Almost 15,000 ASBOs were issued between 2000 and the end of 2007, according to the latest available figures, and more than half of all ASBOs were breached. Among children, the breach rate was 64 per cent., and, of the almost 15,000 ASBOs issued in England and Wales, 40 per cent. were given to children.

Penalty notices for disorder are scarcely better. Almost half those issued in 2007 were not even paid. As a result, almost 1,000 children were sent to prison for breaching an ASBO between 2000 and 2006. That represents 42 per cent. of all children who breached an ASBO in the period. By the end of 2007, more than 1,000 children had received a custodial sentence for breaching their ASBO. Half those sentences were for periods of more than five months, yet we know that there is no evidence that custodial sentences act as a deterrent to such offending. In fact, quite the opposite is true. The figures for 2007 show that 75 per cent. of 10 to 17-year-olds reoffended within one year of being released from custody, and the reoffending rate for a young man serving his first custodial sentence is 92 per cent. The result is that we have criminalised a generation of young people—particularly young men, and particularly those from ethnic minorities. That has become a matter of concern, even to the United Nations Committee on the Rights of the Child.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab) *rose—*

Chris Huhne: I will happily give way to the right hon. Gentleman.

Mr. Howarth: The evidence that the hon. Gentleman offers is debatable. Would he not accept that while a young person is in prison—and the offences for which they are imprisoned are usually serious—they will not, at least, be available to reoffend in the communities from which they come?

Chris Huhne: I am astonished, because I was recently at a youth offending institution in west London where a large number of the children were on remand—admittedly for serious issues, in many cases, but not for any offence.

I have cited the Government figures on reoffending rates. Some 73 per cent. of antisocial behaviour is perpetrated by males, and almost half were under 18 years of age. The Youth Justice Board found that 22 per cent. of young people given ASBOs are black or Asian—two and a half times the proportion of people from ethnic minorities in the population as a whole.

Siobhain McDonagh: My experience in my constituency suggests that it is often only when police officers, council officers and a relevant organisation are thinking about issuing an ASBO that all the other services get involved. The approach towards an ASBO often enables the support that should have come much earlier. It is the ASBO that triggers that support.

Chris Huhne: I recommend that the hon. Lady does what I have done myself in such circumstances: try, as the local MP, to get together a case conference involving the agencies and knock heads together. That actually works. If we have to wait until the police are at the point of issuing an ASBO, the people who have been suffering from the antisocial behaviour will have been doing so for far too long. Later, I want to develop some of the ways in which one can try to be a bit more effective earlier on.

Research carried out by the British Institute for Brain Injured Children suggests that 35 per cent. of all ASBOs issued to people under 17 were to children with a diagnosed mental disorder or a learning difficulty. Nearly a third of all people say that teenagers hanging around on the streets are a big problem and, as we know, antisocial behaviour is predominantly perpetrated by children. Yet rather than giving young people a real and attractive alternative, we too readily give them an ASBO.

ASBOs are extremely punitive—sometimes, frankly, to the point of being ridiculous. Take 13-year-old Zach Tutin, who was served an order banning him from using the word "grass" anywhere in England and Wales for six years. Meanwhile, 17-year-old Luke Davies was forbidden from using the front door of his home until he reached the age of 21. It seems to me that such sanctions can never change a young person's behaviour for the better, never make them accept responsibility for their actions and never engage them with the victims of their behaviour.

The current approach has not been working well, yet as usual the Government have flip-flopped on what to do about it. When the 2006 ASBO figures were released in 2008, the right hon. Member for Redditch

(Jacqui Smith), then Home Secretary, asserted what we Liberal Democrats had argued for some time: that alternative methods of early intervention are far more effective than ASBOs. However, in July 2009, the right hon. Member for Kingston upon Hull, West and Hessle (Alan Johnson), the new Home Secretary, announced measures to revive the use of ASBOs, admitting to Government complacency on the issue. What approach do the Government believe in? Are they merely chasing after tabloid headlines or looking at the evidence for what actually works?

Despite some of the remarks from the hon. Member for Hornchurch (James Brokenshire), I am afraid that the Conservatives are offering only more of the same. They have criticised the Government for headline-grabbing gimmicks, but, frankly, their ideas are no different from the current solutions. They have suggested confiscating the mobile phones or iPods of young people who behave antisocially. The hon. Gentleman suggested that young people could be grounded out of school hours for up to a month.

Such schemes are slow to implement, and continue to criminalise children, rather than diverting them away from antisocial behaviour at an early stage. What really work are community-based punishments and solutions. The Liberal Democrat council in Islington pioneered the use of acceptable behaviour contracts, which are more rehabilitative for the offender and more beneficial to society. A National Audit Office study has shown that they were highly effective in combating antisocial behaviour precisely because they get buy-in from the people involved. Some 65 per cent. of the people stopped behaving antisocially after one intervention, 86 per cent. after two interventions and 93 per cent. after three interventions.

Mr. Malins: The hon. Gentleman mentioned grounding orders, the concept of which I am not yet wholly familiar with; that is my fault. Does he agree that it would be good to impose a grounding order on the child via the parents rather than through the panoply of the courts?

Chris Huhne: The hon. Gentleman makes a good point about the need for support from the family. One of the issues with ASBOs has been the lack of application of support orders to ensure that they are backed up. If that is the hon. Gentleman's point, I entirely agree with him.

The same National Audit Office study found that on average acceptable behaviour contracts cost £230 and were 65 per cent. effective. That compares with ASBOs, which cost a frankly staggering £3,100 yet were only 45 per cent. effective.

James Brokenshire: The hon. Gentleman is praying in aid the National Audit Office report. Will he comment on the fact that that report also said that

"Sixty one per cent of people aged under-18 displayed anti-social behaviour again"

having received an acceptable behaviour contract? What are his comments on the breach rate for those young people?

Chris Huhne: I just gave the actual breach rates for acceptable behaviour contracts, and they are on the record. I pointed out that breach rates go down substantially at the second intervention and that at the third intervention, there is 93 per cent. effectiveness. That was in the NAO study. Sadly, no solution operates as a magic wand; I am not saying that one does. I am slightly surprised that the hon. Member for Hornchurch seems to believe that a magic wand can be waved. Does he think that any particular measure can solve the problem on its own? Acceptable behaviour contracts are certainly more effective than ASBOs. However, contrary to the myths peddled by some Labour Members, we Liberal Democrats have never been against antisocial behaviour orders; we have always said, however, that they need to be seen—

Siobhain McDonagh *rose—*

Chris Huhne: I will happily give way and happily trade *Hansard* references with the hon. Lady, if that is what she wants.

Siobhain McDonagh: I have been fortunate enough to have served on the Public Bill Committee of every bit of recent legislation relating to antisocial behaviour. I assure the hon. Gentleman that the hon. Member for North Southwark and Bermondsey (Simon Hughes) opposed antisocial behaviour orders during our discussions of the first Anti-social Behaviour Bill.

Chris Huhne: I have looked back at the record very carefully, and I assure the hon. Lady that we were on the record in this Chamber supporting ASBOs as a last resort. When we voted against the Third Reading of that Bill, for all sorts of other reasons, we were accused of voting against everything in the Bill. *[Interruption.]* The hon. Lady is entirely free to go on making such claims, but they are simply incorrect.

John Hemming: I do not know whether my hon. Friend is aware of the research done by the university of Groningen, which identified that it is absolutely critical that rules should be enforced, and that unenforced rules undermine the whole concept.

In Birmingham, we have supported a limited number of antisocial behaviour orders as well as acceptable behaviour contracts. We are particularly keen that offenders who create graffiti should be forced to remove it from the walls. Does my hon. Friend not share my regret that the Government would not support proposals for community fixed penalty notices, which are a way of enforcing the rules so that those who create graffiti are forced to remove it?

Chris Huhne: I agree with my hon. Friend, fundamentally so on his initial point that if we are to have such law it must be properly enforced. The real problem with ASBOs is that the Government's periodic attempts to use them have not been matched by the necessary back-up. If they were used as a last resort at the end of a whole series of measures that were able to bring gradual pressure to bear, we would be providing a much better back-up for ASBOs and there would be fewer breaches. In reality, in some areas where they have been overused they have unfortunately become a figure of fun because they have not been properly applied.

Research by the Audit Commission has found that a young person in the criminal justice system costs the taxpayer more than £200,000 by the age of 16, whereas

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one given support to stay out of the criminal justice system costs less than £50,000. Those costs, together with the evidence on the effectiveness of community measures and community sentences, should be enough to tell the Government that a resurgence in the use of ASBOs cannot and should not be the way forward. Yes, they are a last resort, but they should not be something that we reach for as a panacea. Acceptable behaviour contracts are drawn up in consultation with the offender and so provide a greater chance for young people to voice their concerns and agree on what is acceptable. Those young people are far more likely to comply with a contract because they are more engaged in the process, which imposes positive rather than negative conditions on them. Liberal Democrats would expand the use of acceptable behaviour contracts, integrating them with alcohol and drug treatment where necessary.

However, community measures and community sentences alone are not enough. A study by the Prison Reform Trust published in October 2009 found that the reoffending rate for young people involved in restorative justice schemes was 38 per cent., compared with 52 per cent. for community sentences alone and 71 per cent. for custodial sentences. By confronting the offender with their victim, restorative justice highlights the consequences of the crime or the behaviour, and the emotional engagement can lead to genuinely heartfelt changes in behaviour. We have seen that in the interesting recent report on the use of restorative justice in Northern Ireland. We would engage a wide range of public services—councils, the police, schools and care homes—in restorative justice schemes and ensure that restorative justice panels were set up to co-ordinate the process.

The hon. Member for Bridgend (Mrs. Moon), who is no longer in her place, stressed the importance of prevention and mentioned her recent experience with her local street pastor scheme. I, too, have had experience of two street pastor schemes in my constituency—in Fair Oak and in Eastleigh itself—and I can testify to the positive effects. In the case of the Eastleigh scheme, it is too early to tell, but in Fair Oak there was a clear fall in antisocial behaviour in the years following the scheme's implementation. Street pastors' engagement with young people has been effective and commendable.

Above all, young people need to have alternatives to antisocial behaviour. The old adage that the devil makes work for idle hands to do is true. We would create a youth volunteer force to make engagement with the community more attractive to young people. Activities could include the restoration of sports facilities or environmental projects, both of which could provide people with skills they can use again in future. The emphasis must be on encouraging positive behaviour rather than penalising negative behaviour. A 2009 report by the Audit Commission concluded that sport and other organised recreational activities run by local authorities can provide cost-effective solutions leading to reductions both in antisocial behaviour and in the use of the police.

Mr. Allen: The hon. Gentleman is talking about being cost-effective. In Nottingham, for about £700,000 we were able to help more than 100 teenage mothers to get their children set on the right way with the right life skills and personal development, and the empathetic behaviour mentioned by my right hon. Friend the Member for Salford (Hazel Blears). That is about the same as the cost of three people going into a secure unit for a year at the age of 16, two of whom will, statistically, return to it later on. Will the hon. Gentleman commit his party, as I invited the hon. Member for Hornchurch (James Brokenshire) to commit the Conservative party, to doing some serious analysis on cost-effectiveness and evidence-based projects so that such early intervention becomes the common reality?

Chris Huhne: I entirely agree with the hon. Gentleman—he is absolutely correct. We need much more serious assessment of the costs and savings across Government agencies, particularly if any Government are going to persuade the hard-nosed men and women at the Treasury that it is something worth doing. If someone from a Department goes in to the Treasury saying, "I want to spend more on this," particularly given the likely fiscal environment in the next 10 years, they will need to have some pretty hard evidence that savings will be made elsewhere. As I said in response to the thoughtful speech by the right hon. Member for Salford, time and again we have seen a lack of joined-up government in the failure to assess, overall and holistically, the budget impacts of many measures. That is crucial if we are to make real progress.

Individual programmes need to be combined with measures to allow local authorities to tackle unacceptable behaviour on the spot, as my hon. Friend the Member for Birmingham, Yardley (John Hemming) noted. A 2008 study found the first hard evidence, to my knowledge, that the mere presence of graffiti, broken windows or litter in an area more than doubled the likelihood of people littering and stealing there. The broken windows theory has been extremely controversial, but it is now getting enough support to suggest that it needs to command cross-party consensus. One solution, which the Liberal Democrats tried to introduce in the Policing and Crime Bill, would be to allow local authorities, as well as the police, to order people to clear up their own graffiti or littering. I will not go into that any further at this point.

I am surprised that we have not heard more about the effects of alcohol, which fuels much of the antisocial behaviour in our town centres. Responsibility for the control of alcohol falls largely within the remit of other Departments, and not enough is being done. Under-age drinking is a huge problem. We know from a Home Office report that 40 per cent. of more than 2,600 licensed premises surveyed in 2007 failed to check for identification and happily sold alcohol to minors, yet very few licensees are being prosecuted for selling alcohol to under-age children, particularly in off-licences. The Government have created alcohol disorder zones, but to date, not a single council has decided to use those powers. The Government need to focus on the basics, which include conducting test sales to ensure that children are not being sold alcohol and prosecuting those who sell it to them. We need to work across government effectively, and the focus should not just be on policing and repressive measures but on early intervention and tackling alcohol misuse. The family intervention project is an interesting idea. We will see how effective it can be when the evidence comes in, but over time it looks promising.

I do not for one minute want to suggest that ASBOs are inappropriate in all circumstances—that is certainly not so. They are a last resort that should be used sparingly, and when all other options have been exhausted, but they must be properly enforced. We need to re-engage with our young people and give them the opportunity to improve their behaviour, to take responsibility for their actions, and to have a productive future that is not blighted by a criminal record. Only when we do this will we be some way towards tackling the antisocial behaviour that we all want to combat.

7.9 pm

Caroline Flint (Don Valley) (Lab): The debate has indicated how complex dealing with antisocial behaviour is. One complexity that underpins it is that, unfortunately, there is not a blank sheet or the same starting point for all those involved in antisocial behaviour. We seem to agree about the need for early intervention, and I say to the hon. Member for Eastleigh (Chris Huhne) that everything he suggests we should be doing, we are doing very well. However, some people in our community—adults and young people—have been involved in antisocial behaviour for some time and sucked in the energy of many different agencies and services, and in those cases firmer action needs to be taken.

John Hemming: The right hon. Lady says that the Government are doing everything that we suggest they should. We suggested both in Public Bill Committees and on the Floor of the House having fixed penalty notices for community service orders, but the Government did not accept that.

Caroline Flint: As far as I am aware, a number of fixed penalty notices are available for use by local authorities for dealing with graffiti, litter and all sorts of things. On many occasions we were criticised for introducing them, but in the right circumstances they are of huge benefit to the community.

John Hemming *rose—*

Caroline Flint: I shall make a little progress, if I may, because I am in the first paragraph of my speech.

It would be fair to say that in most of the Don Valley communities that I represent, antisocial behaviour is still one of the biggest concerns that my constituents raise with me. We have heard again this afternoon about its impact on our poorer communities, but it crosses communities and it is not only adults and young people from poorer backgrounds who cause problems. I spent some time with safer neighbourhood teams in my constituency this summer and was told by police officers, as I was by those in other parts of the country when I was a Home Office Minister, that one thing that they find galling is parents turning up to a local park and unloading their kids from their 4x4s with alcohol to amuse themselves for the evening. That is not acceptable, and the need for parental responsibility applies to all parents, no matter what their level of income.

In Don Valley and Doncaster, I have seen some real progress compared with 10 or 11 years ago, when it seemed that the criminal justice system did not really care about or understand the impact of antisocial behaviour. Some 13, 15 or 20 years ago, the police were short-staffed and ran from crisis to crisis. If a neighbourhood had a community police officer, that officer was pretty much on their own. In the police service, that sort of policing was not seen as valuable to future career prospects. Now we have seen some positive changes.

At that time, antisocial behaviour went largely unrecognised and the police often did not have the time to come out and deal with complaints about youth nuisance, harassment or intimidation. Even when members of the public reported incidents of antisocial behaviour, the reports were not collected and often went into a black hole. The police would then say, "Well, nobody's complaining to us", and the community would say, "We are complaining, but nobody is gathering the intelligence and using it effectively."

That failure to address antisocial behaviour undermined public confidence in local police, but it was also a failure of Governments past. It was a failure of leadership, resources and the will to address the underlying causes of such behaviour. It became clear, particularly to Labour Members, that we needed to respect the families who faced harassment and intimidation outside their front door day in, day out. We needed to take on a criminal justice system that did not understand and was not really interested. Tackling antisocial behaviour is an example of a public policy originally advocated not by the professionals but from the grass roots in our communities, and supported by elected representatives who were determined to get action. The Labour Government got it, and sought to improve the situation.

New resources have been provided to rebuild communities such as mine—coal mining communities savaged by the loss of traditional employment—and a focus on education standards has meant that we have gone from only 34 per cent. of young people getting five GCSEs at A to C in 1998 to 71 per cent. in 2009. There have been extra community funding, home security initiatives and youth funding. There are more police officers—13,500 more nationally—and new police community support officers to supplement their work, which has been central to turning the antisocial behaviour problem around.

I am pleased to say that across South Yorkshire, like many parts of the country, we now have dedicated safer neighbourhood teams, with police officers, PCSOs and community wardens working with other agencies and accountable to the neighbourhoods that they cover. We have identified the power gaps and bureaucracy that got in the way of action, and we are putting the situation right.

There is always room for improvement, and policies and practices are always worth reflecting on and changing if necessary. There is no doubt that the Government have got a lot right in tackling crime, but there is more to do. We are the only Government to have reversed the rising trend of crime not for one year but year on year for more than a decade. Crime is now a third lower, and in Doncaster it has fallen by 10 per cent. in each of the past two years.

Chris Huhne: Does the right hon. Lady realise that crime has fallen in every western European country except Belgium? Does that reflect on anything that she is saying?

Caroline Flint: We are all doing something right, then, and well done to all those countries too.

[Caroline Flint]

New powers have been important, and we have spent considerable time talking about ASBOs. I agree with the hon. Gentleman that any power that is provided should be used in the best way possible, but it is interesting that he talks about using antisocial behaviour powers as a last resort. That approach is too constricting, because people involved in such activity are often extreme in their behaviour and wilfully disregard what is acceptable in communities. That is one reason why using such powers only as a last resort results in breaches—by then, the problem and the individual concerned have got out of control.

There are other orders available, such as youth referral orders for young first-time offenders, which build into the system restorative justice, reparation and apology to victims. In my experience, those who try to act big when served with an ASBO end up behind bars. If that is a badge of honour, it is one that is welcomed in most communities. In Doncaster, the council's legal services staff have pursued 55 ASBOs since 2003. Four have been extended and a further 16 are currently being progressed. I am grateful to them for the support that they give our safer neighbourhood policing teams.

A number of the new powers have been vital in giving those on the ground the tools they need to restore public confidence. The confiscation of alcohol in the street, the power to close crack houses, the breaking up of gangs in designated areas and the power to escort young children home after 9 pm have all proved popular and, if properly targeted, are highly effective. I spent some time with safer neighbourhood teams in my area this summer, and I was pleased to see that when we came across young people with alcohol, even when the one holding it was over 18 and could provide proof, the alcohol was confiscated if younger people were present. That power is important, effective and quick.

However, I say to Ministers that in the past couple of years I have been a little worried about the moving of responsibility for antisocial behaviour from the Home Office and the Ministry of Justice to the Department for Children, Schools and Families. In August 2008, an interview in the *New Statesman* with the Secretary of State for Children, Schools and Families was prefaced with the comment:

"The so-called Respect agenda has been quietly shelved and the obsession with Asbo rhetoric curbed."

In my view, that policy shift was misguided and wrong. Moving the Respect unit and responsibility for youth crime and antisocial behaviour to the DCSF did not make any sense. Tackling those problems should be firmly the responsibility of the Home Office, whether it involves young people or not. The Respect unit should have stayed with the Home Office, and I am glad that it has now been put firmly back where it belongs.

For a period, searches for information about antisocial behaviour on the DCSF website produced pages of press releases about the children's plan and playgrounds. I do not think that anyone in the Commons would vote against more youth facilities or playgrounds, but we do not stop intimidation or harassment just by providing swings.

Labour is the political party that most people identify with to tackle antisocial behaviour, but we are in danger of losing ground. Thankfully, that does not reflect the good work that was happening on the ground in Doncaster and elsewhere. To that end, the current Home Secretary has my full support in turning things around, because rhetoric matters. It does not matter as much as what is happening, but it sets the tone, which is important when the public are listening.

We should never be complacent about antisocial behaviour. It is a contributory factor to neighbourhood decline; it makes people feel powerless and makes them stay indoors more; it makes parents more worried about their children playing out; and, let us not forget, the largest group of victims of antisocial behaviour consists of children and young people. Often, they cannot go to the youth club because there is a gang outside intimidating them, they cannot use the playground because glass has been scattered across it, and they cannot enjoy the services that are in the community because they are preyed upon by young people and sometimes adults. Antisocial behaviour makes people fear their own neighbourhoods at certain times of day and night. It is absolutely corrosive and eats away at the quality of life.

The problem of antisocial behaviour is local. It may happen in a particular gathering place, an off-licence, or a couple of streets, or it may be to do with a particular family. Each problem requires a local solution, but to make such solutions effective, we have needed better teamwork between councils and police, new powers to deal with the problems, and particularly local policing and community liaison.

As I said, I spent three shifts on duty with the safer neighbourhood policing teams that operate in my constituency, and I am very grateful to Sergeant Richard Vernon and his Doncaster West team; Sergeant Russell Higham and his Doncaster South team; and Sergeant Richard Barnes's team, whom I accompanied in the Hatfield and Dunscroft parts of Doncaster East. They would not let me get away without mentioning them. It was good to see how they were making a difference. They worked very closely with the council's neighbourhood wardens, and PCSOs make a valuable contribution to those teams. One told me that they extend an open invitation to Richard Littlejohn, who described PCSOs as "plastic policemen", to visit Doncaster to see the important contribution that they make.

PCSOs respond to community feedback to shape their operations, use local intelligence from the public and others to task their operations, whether that is to do with roads where traffic speed is excessive, an off-licence where young people gather or a churchyard drinking spot. They organise night-time operations to tackle motorbike nuisance and burglaries, visit victims of crime and are involved in drugs raids.

What lessons did I learn from that experience? First, on parenting orders, we need to hold parents to account. When Doncaster truanting cases are taken to court, it is standard practice to request a parenting order, but when children and young people are involved in antisocial behaviour, that does not happen. I think that that is wrong and I am campaigning locally to ensure that the loophole is closed. That is certainly one of the clear comments that were made by the three safer neighbourhood policing teams that I was able to work alongside this summer.

Secondly, on communication, as a local MP, I know how much is being done to tackle antisocial behaviour and of the success stories that arise from that, and the police and others hold regular meetings—monthly, I

believe—to listen and provide information. They are getting better at communicating success through community newsletters, websites and the local media, but many residents are still not aware, and tend to believe only the negative stories in our national media, which rarely cover the positive action and change on the ground.

Delivering immediate, cheap but topical information to the most affected households about what is being done could give an enormous boost to residents' sense of well-being and should be encouraged. Likewise, MPs have a key role in providing information on constituents' concerns and communicating to them the powers that exist. I did a survey of constituents, and it became clear that although they knew about safer neighbourhood teams, they did not know how to contact them. I was able to feed that into the process and help to put it right.

Thirdly, justice is important to the public's sense of safety and fairness. For a number of criminal offences, the public would support non-custodial sentences if they had faith in such an alternative. For too long, the professionals have argued against visible community sentencing. Sometimes, professionals, Ministers and Opposition Members have been squeamish about the idea of an offender wearing a bright jacket when undertaking activities in the community where they have committed crimes. Thankfully, that has changed, but I say to my hon. Friend the Minister that we need go further and apply the same conditions to under-17s, who need to be seen to be facing the consequences of their behaviour. Too often, they are taken off to do worthwhile activities remote from the community they have harmed.

I recognise the need for a variety of actions to move a young person away from a life of crime, and to show them that there is understanding of how they became what they are, and support for them to take control and turn their lives around. However, that should not be at the expense of facing up to the consequences of their actions and the debt they owe to the community.

Fourthly, the Home Office is undertaking a pilot whereby communities can bid for the return of the proceeds of crime. I think that that is very worth while. I am very proud that I was the Minister who took the Proceeds of Crime Act 2002 through Parliament. Crime should not pay. However, I would like my hon. Friend to look at the possibility of further decentralisation, so that the assets of crime that are collected can be used more locally and so that there is a greater opportunity for direct involvement in decisions on how that money should be spent.

In my final comments, I shall focus on the horrendous and brutal attack on two children in my constituency earlier this year. The attack in Edlington was all the more shocking because it was undertaken by two boys aged 10 and 11. The attack was exceptional in its severity, for Edlington or anywhere else, and the malicious injury of children by other children is always shocking. Given that the two attackers were under the supervision of Doncaster children's services, it is no surprise that an inquiry is under way.

A lot has been written about Edlington, much of it unfair to the former pit village. Photos used in one newspaper showed a street with derelict houses that was demolished years ago—a new health centre stands there today. The village has gone through tough times, not least in the years following the closure of the mine in the mid-'80s, but that is not the Edlington of today: crime has fallen steadily; there are fewer offences and victims; there is better local policing and good community organisation; and there are improving schools. It is not perfect by any stretch of the imagination, but it is far from broken.

I am sure mistakes will come to light during the inquiry. The people in the services are human and make mistakes, and we always say, "Never again." When children die or are terribly injured, there is quite rightly a huge amount of publicity and debate, but what we do not talk about enough are the children who survive early childhood but who are so damaged that their futures is bleak, and who could become a danger to themselves and to others. Those wider issues need to be addressed alongside the question of why the victims in Edlington could not have been better protected.

Sadly, some families are badly dysfunctional. No parent is perfect, but some are hopeless and cruel. When parents are heavy drug users and live in an atmosphere of selfishness fuelled by addiction, how can a child be fed, cared for or emotionally supported? I have met many young adults who are caught up in crime who have drug or alcohol problems or sometimes both. Their life stories often involve a lot of intervention from social services and others, and large amounts of time spent in foster care or residential homes.

We have heard how the Government are supporting earlier intervention on our most challenging families, which I support, but I believe, as does Martin Narey, the chief executive of Barnardo's, that in some cases, children should be removed sooner rather than later. For a number of reasons, over several decades, keeping children with their families appears to have assumed priority status.

Coram, a charity devoted to the welfare of children, partners prospective adoptive parents with children under two whose future is being decided by the courts. If the birth family can demonstrate to the courts, often after drug treatment and support, that they can meet the child's needs, the baby can return to their care. If not, the carers can proceed to formal adoption. All the adults take the risks and, above all else, the child's needs are paramount.

The great advantage of that process for the children is that it will speed up planning for their lives without having to suffer moves of placement and delay. Coram is holding a conference today to promote that adoption model, which they call concurrent planning. Only four local authorities have worked with the organisation, and most are sticking to the old methods.

I realise that that matter would most appropriately be dealt with by Ministers in the DCSF, but I am trying to address how we can save some of those children from becoming the problems that they may become in their later lives, as we have seen in our communities. I hope my hon. Friend the Minister takes my points on board and that the Children's Secretary will seriously look at that model and assist a wider debate on its use.

7.30 pm

David Tredinnick (Bosworth) (Con): I do not believe for a second that we would be discussing antisocial behaviour orders today in Government time had it not been for the tragic deaths in my constituency in 2007 of Fiona Pilkington and Francecca Hardwick, and the

[David Tredinnick]

subsequent coroner's report, which came out in October. The two tragically died in a fire in a car, and the coroner returned verdicts of suicide and unlawful killing. That case has forced the whole antisocial behaviour issue up the agenda, which is why we are discussing it today.

The small community of Barwell has been distressed by these events, as has the larger community of my constituency. Indeed, it has shocked the nation, and we have had the arc lights of the national media focused on Barwell. On behalf of the community that I have represented for more than 20 years, I make the point that Barwell is a good community. It has a great carnival in the summer. The people are hard-working, they work together and they like each other. The problem is a tiny number of people. As other hon. Members have said, it is a tiny number who cause the problems, and they have to be the focus. Whatever measures we take, we have to focus on the ends of the normal distribution—those few people who cause all the problems.

I attended the memorial service for Fiona and Frankie on Tuesday last week in Barwell at Newlands primary school, organised by the Reverend Andrew Murphy and all the churches in Barwell and Earl Shilton, the next-door village. It was a very moving ceremony conducted with great dignity. Fiona's mother was there, as was Francecca's brother. The community—a good, solid Leicestershire community—came together. So to those who have rubbished Barwell and its people, I say stop. It is a problem caused by a tiny number, and it is being worked on.

The coroner criticised the three main agencies—the police, Hinckley and Bosworth borough council and, to a lesser extent, Leicestershire county council. Given the statement earlier about the firing of the drugs tsar, how can the crime tsar, Louise Casey, have survived, when she has criticised the Government so vociferously. She has said:

"We have let people down".

She was critical of the division of responsibility for antisocial behaviour between the Home Office and the Department for Children, Schools and Families, a point touched on by the right hon. Member for Don Valley (Caroline Flint). How can the Government be so hypocritical and fire the drugs tsar, but let the crime tsar survive? I can give way to the Minister if he wants to intervene. No; he is firmly welded to the Bench.

How did we reach a situation in which, allegedly, tackling antisocial behaviour is not really part of police activity? One officer made a remark to that effect that was broadcast nationally. I see the Minister shaking his head, and I agree with him. If we look back over the history of policing, there were periods when different demands were made of the police, and different direction was given from the top. In the 1960s, Roy Jenkins, the Labour Home Secretary, introduced—reasonably enough—what was called pandarisation, with the use of little Morris Minors to make the police mobile. It was a good idea at the time to achieve more effective policing, but it failed because it broke the link between the police and the policed. Eventually the policy was reversed. Recently, we have had reactive policing. That partly dates back to 9/11 and the whole terrorist issue. Organised crime has also demanded police resources, and a few years ago we had an unduly large proportion of murders in Leicester.

The solution to the problem lies in the origin of British policing, as devised by Sir Robert Peel and the Metropolitan Police Act 1829. The Act required that able men be appointed and sworn in as police officers of the metropolis principally for "preserving the Peace." That was their first duty, although they were also tasked with

"preventing Robberies and other Felonies and apprehending Offenders against the Peace."

Those are all important, but it is preserving the peace that is the first duty of the British police officer. Sir Richard Mayne, the first commissioner, described the preservation of public tranquillity as the first priority. We have lost that aim.

We have reached a point at which it is easier for police forces to pursue the other objectives, and we have not had enough emphasis on the simple requirements of keeping neighbourhoods safe. The awful case in my constituency has brought that to the fore, and we are now looking for ways to improve the situation. I suggest to the Minister and my hon. Friend the Opposition spokesman that we must focus on peace in the community. That is what people want above anything else.

Hinckley and Bosworth borough council was also criticised, but in some ways it has been ahead of the game. The last Conservative administration in 2006 introduced the weekly information-sharing meetings, where all the agencies got together to discuss what to do. Subsequently we have had neighbourhood action teams, and a range of interventions and remedies. There have been special measures taken in Barwell—a community house was introduced there in July. However, in 2007 and beyond, there was clearly a breakdown in communication between the agencies. In defence of the town I represent I must add that, it would be wrong to say that no one was concerned and that no action was taken.

The right hon. Members for Salford (Hazel Blears) and for Don Valley made robust speeches, saying that tough action had to be taken. Councils have to take tough action. Indeed, some law enforcement—in terms of maintaining the peace—has shifted from being a police duty to being a council duty. The councils are obliged to apply these remedies, but that is not the core discipline of council officers. The councils are getting these instructions, but taking such action is complicated. Councils have to be very robust and have a policy that makes it clear that if orders are broken, there will be consequences. The matter will be taken to court, and it is no good saying nothing will happen. We have had problems in the past with Traveller communities, when difficult law and order issues arose—

Hazel Blears: The hon. Gentleman is making some important points about the pivotal role of housing in tackling antisocial behaviour. Does he agree that, as well as councils taking action, there is often a great deal of antisocial behaviour in the private rented sector and that the introduction of landlord licensing, which I am fighting for in the Gerald road and Seaford road areas of Salford, can make a big difference? Privately rented property is often the source of a great deal of antisocial behaviour.

David Tredinnick: I agree with the right hon. Lady, but I chose council tenants, because councils often have control over vast swathes of housing. An important

sanction is to tell council tenants, and other tenants if applicable, that they will not be moved to a nicer borough—that is, shifted to somewhere better. Rather, they have to understand that if they do not follow the requirements of the new measures that have been introduced, they will go to worse housing. Councils must be robust about that, so that the move will be difficult for those concerned.

Leicestershire constabulary has introduced an extensive training programme for the police. The Minister would do well to encourage councils to ensure that they train their staff too. Indeed, I was interested to hear his ministerial colleague saying earlier that he would issue instructions to councils about how they should handle antisocial behaviour. However, the lack of co-ordination on that has been a terrible gap—indeed, a glaring hole—in the Government's policy.

I will say a word about that in a moment, but first I want the Minister to take on board the need to train staff. There must be adequate training to safeguard children and adults alike. Why do I say that? Let us look at the number of agencies and sub-agencies that we are dealing with. We have the safeguarding adults board, the weekly information-sharing service, which I have described, the crime and disorder reduction partnership, community safety programme boards, adult social care departments, adult social services, children and young people's services—the list is endless. How do we co-ordinate all those groups? I was speaking to a senior colleague on the council in Hinckley who said, "Well, Fiona slipped through the net." We have to ensure that the mesh in the net is thicker and that less gets through. We have to consider all those issues.

I have mentioned the police and Hinckley and Bosworth borough council, but I must now mention Leicestershire county council, which was not criticised to the same degree. However, it has a youth offending service, a youth service, which is represented on the police-led multi-agency joint action groups, and a family intervention project, as described by the right hon. Member for Salford. The county council has other projects that have helped, such as its support for the work of the multi-agency Barwell recovery strategy, which is led by the borough council. Those projects, along with the youth impact team initiatives and the safeguarding adults boards, are all helping.

Let me return to the police for a bit. Leicestershire constabulary took quite a beating in the inquiry, but the police have also taken positive initiatives, raising the profile of the safeguarding adults programme. The police have also introduced the JACQUAL—joint action for quality of life—team and the police and council antisocial behaviour teams, so they have not been dilatory in acting after the problem.

However, the police have suffered a major handicap. The 101 telephone system, the non-emergency system that the Government trialled in Leicestershire, was extremely successful. The police picked up a lot more information, because a lot more people were prepared to ring them on that simple, three-digit telephone number. I cannot imagine why the system has been dropped, with all the technology that we now have, which, relatively speaking, is becoming cheaper. Given the success of the project, the Minister should look again at the resources for it.

The police in Leicestershire have introduced two other measures that are well worth mentioning. The first is a system whereby they know exactly where every car on the beat is. The second is a laptop system that makes available a massive amount of information at any one time.

The hon. Member for Bridgend (Mrs. Moon), who is not in her place now, talked about street pastors, who represent an interesting development. The scheme is a Church-backed project to put people in the community on the streets at no cost—they are volunteers—to help individuals. I shall be finishing on this theme, but when the Churches are united or there are individuals who want to help, we have to embrace them. We cannot ignore them. They are volunteers, so they are cheap; there are no bills to pay. We need to put our arms around them and say, "Yes please, we need your help in our communities." That is important.

The other issue—perhaps I should say, "The next related issue," because, unusually, I have a little time this evening, although I assure colleagues that I will not speak for too long, because that is not necessary—is political control and direction. I served in the Army years ago, and it used to be said that men are only as good as their officers. However, with councils the opposite is the case. The officers are only as good as the men and women elected as councillors who control them—or should control them, because far too often officers are given their head.

We have very good officers in the county, and I have a lot of respect for Hinckley and Bosworth borough council officers, but boy, do I wish that there were sometimes better political direction, because officers should not have to deal with the allocation of housing, Travellers' sites or resources on their own. That is what politicians are for. We are there to oversee those people. That is the relationship.

Hazel Blears *indicated assent.*

Caroline Flint *indicated assent.*

David Tredinnick: I am glad that I have the support of the right hon. Ladies. We have to look at the issue, so perhaps the Minister should offer some guidance.

I said that the tragic case in my constituency had attracted a lot of attention. Indeed, some contributions were made at the party conferences, but to call someone a "victims champion", as Labour did at its conference, is a bit tacky. I mean, how can Sara Payne be the champion of all the people who have problems? That was not a very good use of language. However, I think—perhaps predictably—that some important proposals were made at the Conservative conference. They included introducing a range of instant punishments, such as grounding orders, which may need to be developed, and cleaning up local parks, which is eminently sensible, as well as dealing with mountains of bureaucracy and trying to give more power to the police to take action.

Caroline Flint: I am interested in the concept of grounding orders, but a power already exists through parental orders. Part of what parental orders should be used for is ensuring that children are not out and having to be picked up by the police and others at 11 o'clock, 12 o'clock or 1 o'clock in the morning. It is the parents' responsibility to ground them, and if they do not, the parental order kicks in.

David Tredinnick: I have some sympathy with what the right hon. Lady has said. However, what we really need, whichever Government are in power, is to find a system whereby the police do not waste their time, which means that when they apply their time, it is effective and has an outcome. We do not want endless visits by the police that achieve nothing. I say to those on both Front Benches that we need to focus on the quality of police time and on how police time is used. We now have support officers, and we can make things much more effective.

The police's task has been made much more difficult by some of the Government's measures. One measure, which the Prime Minister himself has criticised, is 24-hour drinking. I was in conversation last night with Byron Rhodes, the chairman of Leicestershire police authority. We talked for about an hour, and he said, "Look, two o'clock is surely enough, isn't it? You should see the amount of police resources it takes to deal with nightclubs after that." Does it make sense for clubs to close at six o'clock in the early hours of the morning? Are we really a nation that needs to drink through the night? I do not think that we are, and I think that we have proved that these changes do not work. We are not a continental nation—we do not naturally sit there with a sausage and a lager at six o'clock in the morning. *[Interruption.]* I was thinking of my time in Germany, but I had better move on fast, because I am getting into a lot of trouble. We should revisit the alcohol laws. The licensing laws were brought in during the first world war, because munitions workers were getting so drunk. That was happening in one city north of the border in particular—I will not defame it this evening—so the licensing laws were brought in for a purpose. We really need to revisit the issue.

Another problem, which has been addressed on many occasions in the House, is cheap alcohol and how it is purveyed. If it is a loss leader in supermarkets, it will contribute to the problems.

The crime problem has been exacerbated by the downward pressure on, and the destruction of, the traditional British pub. The number of pubs going out of business is tragic. I could mention the Dog and Duck in my constituency; it is happening all the time. People used to go to these places for community. If people sit at home drinking lager behind laptops, we will have criminals—we will have people who cannot form relationships and who do not have friends. We should protect the pubs.

A related issue is the removal of dartboards from pubs. I will not use the G-word—gentrified—but there is definitely an attempt to push places upmarket, and that means taking out the dartboards. A survey has been done on this. The removal of dartboards is a great tragedy, because darts is a national sport. I have played it, although I do not play it very much and do not pretend to be a great darts player, but I do not like to think of pubs losing their dartboards. In Leicestershire, we have skittles. We have a lot of skittles alleys—they are great fun, and a lot of pubs still have them. How about the Minister or my hon. Friend the Member for Romford (Andrew Rosindell), who is sitting on the Opposition Front Bench and who might be in power in a few months, doing a bit to support pubs that keep traditional games? Why can we not offer some incentives? It would not necessarily be very expensive. Do we really want empty, gloomy pubs that close down? I do not think so.

Of course, the smoking ban has not helped. I voted against it and I am really pleased that I did, because the more I look at it, the more I think that it was a great mistake not to gradually phase it in—*[Interruption.]* I am not going to hold the support of the right hon. Members for Salford and for Don Valley on this one, although I have held it for most of the debate, which is unusual. However, it was a mistake to put everybody outside. And what about the environmental issues? Someone tell me the cost of these massive gas cookers outside—

Madam Deputy Speaker: Order. I wonder whether the hon. Gentleman will now relate some of the remarks that he is making—perhaps as he did at the commencement of his speech—to antisocial behaviour.

David Tredinnick: Madam Deputy Speaker, I will relate my remarks to antisocial behaviour. We really ought to revisit the way in which we have blocked a large number of people who still smoke out of the places where they used to have their social life. That is a great pity.

I have talked about police priorities, and I have quoted Robert Peel and Richard Mayne—I have gone right back to the basics. The problem in Barwell was that the officers, in this case under the direction of their senior officers, were not applying themselves as a priority to keeping the peace. I think that things have now changed dramatically, and the police focus on Barwell has been formidable—I suppose that one would expect that reaction. The police have done good work, and I will refer in a moment to something else that will be happening as of Friday.

First, however, I want to turn to policies on elected police chiefs and other elected officials. I spent some time in New York, and I attended a well-known university researching policing and public order in a multiracial Britain. I looked at Scarman, policing in the '80s and the riots in Brixton and Bristol. I have some sympathy with the idea of elected police chiefs, because I think that that political direction is important. However, if we do go down that route, there are real dangers that the police will be pulled in certain directions by particular groups. Given the current problems with terrorism and the other national issues that the police are obliged to deal with, there would have to be safeguards.

The Conservative policy of having elected police officials may be a good one. The problem is that people—

Madam Deputy Speaker: Order. I am trying to follow the hon. Gentleman, and I am just wondering how this might relate to the general debate about antisocial behaviour.

David Tredinnick: Madam Deputy Speaker, the answer is that we will have less antisocial behaviour if we have a police force that is more sensitively directed. I am suggesting to the House that it is not enough to have elected police authorities, even though they have been reformed and now have a different composition. There is a strong case for having some—not a lot, but some—elected police representatives in communities.

I have one last point to make on the political issue. I notified the borough council—*[Interruption.]* I ask the House to bear with me for just a minute longer. I notified my borough and county councils, the police and the police authority that I was going to make this speech. I said that there was a fair chance that I would be called because of the problems that we had had. The focus of the problem locally has been what is being done in Barwell. I am sure that this is a happy coincidence, but I received an e-mail before the debate saying that four youths linked to antisocial behaviour in the Barwell area had been charged with offences and will appear before the Hinkley courts next month. As I have said, I am sure that it is a happy coincidence that that arrived before this debate, but it might not be. It might have arrived because I, as the Member of Parliament for the constituency, notified the agencies involved that I was going to make my speech. That is a good example of political accountability, with elected representatives in this honourable House saying what they feel, and action being taken on the ground.

A lot of politics can be summed up in simple words, and one of the great phrases of this autumn was uttered by my right hon. Friend the Leader of the Opposition. I think that it represents what the country wants, so parties on both sides of the House should take note. My right hon. Friend said at the Conservative party conference:

"We've got to stop treating adults like children and children like adults".

I gave a great sigh and thought, "Thank you. That's what people really want to hear." The nation is fed up with being told that the kids are giving us the runaround and adults cannot take any action. That has had a really serious impact on our policing. Traditionally, everyone in this country was a policeman. We always have been—it is part of our culture. One has only to read in "Oliver Twist" about Bill Sikes's dog running off to the east end and being pursued by everyone in a hue and cry—one does not have to watch the westerns to see the posses going out. The fact is that everyone was always part of the police, and we need to get back to that so that we can support the police. We do not want to hear the police tell us, "We'll nick you if you touch that person." Why would they do that? Because they have poor direction. There is not enough political input at the top telling them, "Don't say that. It's stupid." The police cannot enforce all the laws anyway. There is a duty on all of us to keep the peace.

The other issue that I want to raise before I sit down—*[Interruption.]* It is unusual to have a bit of time in the House.

Mr. Newmark: Come on. There are six other people who want to speak.

Madam Deputy Speaker: Order. The hon. Gentleman is still on his feet.

David Tredinnick: I will sit down soon.

We have to deal with this business of risk, and our risk-averse society.

It is very sad, and we need to build people up and make them strong. I want to finish in Barwell. In the local paper this week, one of the letters said:

"We must unite to fight back at yobs".

I absolutely agree with that sentiment, and a lot of my speech has been about that. There has also been talk about Frankie's law. I think that the term was coined by a newspaper. Councillor Hazel Smith is a close friend of the Pilkington family, and she is a great councillor in Barwell. She has asked why we cannot have a law whereby, if 10 people sign a petition, the local agencies have to take note. That would be so simple. Why should 10 local people not get together and sign a petition to say that they are unhappy about something? They could stick it in the council's letterbox or the police letterbox, and someone would have to reply. Let us empower the local people.

We have had a terrible tragedy in my county in the small town of Barwell in my constituency. I honestly believe that that tragedy, which reached the national and even the international media in the autumn, will bring good. I earnestly believe that good will come out of it, that we will have a better focus on policing and that that will make our communities safer.

8.1 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I hope that the hon. Member for Bosworth (David Tredinnick) will pass on my condolences—and, I am sure, those of everyone in the House—for what happened to Fiona Pilkington. I can assure him that that case has given me some sleepless nights as I worry whether I have taken into account everything that my constituents have told me at my weekly advice surgeries. Whatever the headlines might be, and whatever opprobrium might be considered to attach to MPs at large because of the problems with our expenses, many people come to see us to express their serious concerns and private anxieties. Sadly, we are often the people who take up the cases of those who are the most voiceless, and of those who are ignored by the authorities. Because of the case in the hon. Gentleman's constituency, I am conscious of the need to do so even more.

For everyone in the House, this is the epitome of the bottom-up debate. It is because our constituents were concerned about antisocial behaviour that we have any antisocial behaviour legislation at all. Ten years ago, it was Back-Bench MPs of all parties in this House who, understanding their constituents' concerns about this issue, forced legislation through and demanded action in the face of hostility and jeering in the national media and in much of the political establishment. Antisocial behaviour was not a fashionable subject at the time, and it was only because of the interaction between constituency MPs and their constituents that we understood that it was a priority for them. As a result of our constituents' anxieties, police safer neighbourhood teams have been introduced, along with a whole range of new powers for councils, housing associations, the police and other public bodies.

This has to be a source of continuous revolution, however, if we are to tackle the problem. That is why I would like to concentrate on some of the areas in which we fail. We do not fail in all areas, but we need constantly to get better. We need to understand when we are resting on our laurels or failing to take the direct action that we need. It is a matter of concern to me that we are all developing an antisocial behaviour industry—a bureaucracy that sometimes blocks progress in favour of its own cosy meetings and cosy time scales. Too

[Siobhain McDonagh]

often, formal processes do not lead to satisfactory outcomes, and more flexible, direct, informal and decisive action would be quicker, cheaper and better.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the hon. Lady think, as I do, that a directly elected police commissioner might cut through that bureaucracy and provide the more direct, focused response that local people want and demand, and which successive Governments have failed to deliver?

Siobhain McDonagh: That could be one of the means by which we could do that, but no structure will necessarily give us the entire answer. In our communities, the elected representatives—the MPs, the councillors, and those in regional government—need to be concerned with the day-to-day experience of our constituents, many of whom feel voiceless and powerless. People who know that the remedies for antisocial behaviour exist tell me that they are going to the services that should be providing respite but not getting the necessary action. The public respect our good intentions, and are pleased that the powers have been put in place, but, on occasion, they have found the industry better at delivering excuses than solutions.

I checked my casework system today, and discovered that, in the past year, I have written 171 letters about antisocial behaviour. Like the hon. Member for Bosworth, in preparation for today's debate, I contacted my local police commissioner. I also contacted the chief executive of my local council and the chief executive of a major local housing association. I did this mainly because I felt that this could help to get some cases resolved, but I was surprised that all their responses were defensive. They blame other organisations, or loopholes in the law. They say that they could resolve the problems if only they had more money and power. Worst of all, they sometimes do not see the point in trying.

One of the most revealing comments came from a group director of London and Quadrant Housing Trust, one of the largest housing associations in my area, and a brilliant organisation in many respects. He said:

"Even if we do evict someone for antisocial behaviour, we'd only move the problem on elsewhere".

First of all, it is not futile to take action against antisocial behaviour. Action against tenants who are causing a nuisance can make a difference. Secondly, why would a housing association not make its top priority the welfare of its law-abiding tenants who simply want to live in peace and quiet?

The chief executive of Merton council was similarly revealing. I have written to him many times about antisocial behaviour. It is one of people's top concerns in my constituency, if not the top one. He passes every single case that I have personally written to him about to a more junior officer. He feels that I "misunderstand" his role. He says:

"I contribute to the council's work on antisocial behaviour at a strategic level by jointly chairing the Safer Merton partnership and by ensuring the council has staff and a programme in place to provide a response to the issue."

Laura Moffatt (Crawley) (Lab): I thank my hon. Friend for giving way. She clearly shares my utter frustration that, when the tools have been given to local authorities and the police to do the job, they fail to use them. Does she agree that some of those officials who appear to be ducking the issue would be well placed to suffer some of the antisocial behaviour that our constituents suffer?

Siobhain McDonagh: Absolutely. I hope to provide such an example later in my speech.

The chief executive of Merton council went on to say:

"I am clear I am acting appropriately and I consider the conclusion you have drawn is wrong and misunderstands my role."

For me, however, it is important that he knows what his officers are doing. How does he know that his strategic decisions are being implemented on the ground? It seems to me that the word "strategic" is often the last bastion of those who do not want to roll their sleeves up and get their hands dirty. After all, it was his authority that removed a dispersal order from Mitcham town centre earlier this year, despite protests from local residents. Everyone in Mitcham supported the dispersal zone. It did not make everything perfect, but it certainly helped. Yet, for Merton council and the police, the improvement in crime and antisocial behaviour meant that it was not needed any more.

I did everything that I could as an MP; I do not think that I have ever felt so frustrated about one single issue. I went to see my local neighbourhood team, I went to the council, I went to see the inspector and I went to the area commander. Eventually, I wrote to the Metropolitan police's commander of territorial policing, Maxine de Brunner. I am delighted to be able to make this speech tonight, just to let hon. Members understand some of the content of her response. She told me that

"concerns were raised by interest groups such as Liberty that even with the checks and balances contained in the legislation, the powers infringe human rights. Consequently...Merton have taken an evidence-based approach in considering whether a new zone should be granted, and from the evidence available at this time, it has been decided that a zone cannot be justified."

I was under the misapprehension that we lived in a democracy—clearly not. Liberty is not what it says on the tin—at least, not for the Mitcham residents who wanted the liberty to walk through their town centre without being intimidated by groups of troublemakers and who wanted to be asked their opinion about this order. Later in the letter, Maxine de Brunner says:

"Specifically in relation to the dispersal zone in Mitcham, the Figges Marsh ward panels did discuss the dispersal zone with the local police, as did the Glebe Court residents association, and the rationale for this decision was shared with residents."

She does not say that the decision was unanimously opposed and that these groups did not accept that rationale because she knew that the most vulnerable people sometimes do not make the complaints that we hear from those with greater confidence and the courage to complain.

Where was I to go from there? I persuaded more than 100 residents to give up a Saturday morning to meet the police and state the obvious; within a few weeks, the dispersal zone was back in place. However, the decision to remove it was symptomatic; it lacked common sense and local knowledge and it was more to with acting in the interests of a tiny minority of protest groups and going through bureaucratic hoops than acting according to the welfare of the people of Mitcham.

I would like to mention a few more individual cases, because they highlight where we can improve what we are doing. Gilpin close is on a 1980s housing estate of about 200 properties; the majority are privately owned, with some operated by housing associations. The estate is in a cul-de-sac just off a main road. Nobody walks or drives through the estate other than the people who live there and their family and friends. It is often off our radar. This summer, a couple came to my advice surgery and they described how two or three neighbouring houses were terrorising the estate. Over the next few weeks, local councillors and I met more of their neighbours and heard more about abuse, threats of violence and doors being kicked in. One man who simply lived alone and went to work long hours every day had his windows kicked in three times in three successive weeks. People were followed and shouted at in their own homes and there was low-level drug taking and vandalism. One couple were actually assaulted. This had been going on for 18 months.

Much of the trouble was caused by one particular family, including a nine-year-old boy. All the agencies had got together—the police, the safer neighbourhood team, the council, the housing association, the school and the child in need team—and they had all plodded on through the process. All the while, however, the people in Gilpin close had to live with it. They were prisoners in their own homes for months and months on end.

The chief executive of Merton would not have lived like that; the commissioner of police would not have lived like that; the head of London and Quadrant housing trust would not have lived like that; I would not, and you would not, Mr. Deputy Speaker. Because, however, the antisocial behaviour industry we created did not stop the trouble in its tracks, the poor people of Gilpin close had to live like that or move out. In fact, some residents tell me they do not report antisocial behaviour because they are worried about becoming victims themselves by complaining or, worse still, because they fear they will not be able to use the ultimate sanction, which is to sell their home if they cannot resolve the problem.

It is interesting to note that it is not just elderly or young people or middle-aged people who suffer from these problems. The people suffering from antisocial behaviour come from all ethnic backgrounds, all ages and all classes. One particular case provides a stunning example. An elderly lady of 89 came to me recently, together with a young Tamil couple with a baby. They live on the same ground floor of the same block and suffer from the same problem—a 19-year-old guy deciding that whatever time of the day or night he wishes to play football outside their door, he can do so. In spite of years of complaint and in spite of this amazing elderly lady being brave enough to complain—on one occasion this young man even kicked her stick away in the high street because of her complaints—this problem could not be solved. I do not know about other hon. Members, but I do not pretend to be the brightest person in the world, and what should be done seems obvious to me: a few pyracanthas should be planted in the middle of the lawn so that this man cannot play football. He would then simply have to move less than 100 yards away to play football in the pitch next door to his block.

Then there is the case of Mrs. A of Lilleshall road, who complained to me after her safer neighbourhood team told her that they could not do anything about the kids shouting, screaming and drinking from her street corner. Again, I sensed the whole industry crunching into gear and about to spend months consulting on what action would be most appropriate. Would it not be better to spend a fraction of the money that that would cost on landscaping the corner to make it a less attractive hangout?

What about Mr. K of Malmesbury road, who came to me complaining about a nine-year-old throwing stones at his house late at night? The police said that they could not do anything because he was below the age of criminal responsibility—but he is nine years old and out late at night! He is surely not too old to be taken home and it is surely not too difficult for the police to have a tough word with his parents. The boy is not too young for a parenting order. The creation of safer neighbourhood teams is absolutely fantastic, but we have to be able to empower our police officers with doing the work of getting involved with antisocial behaviour and publicising what they do as much as doing it. Sometimes, not unreasonably, our police officers do not have those skills. For a long time I have thought that it would be a fantastic idea to use those people who we know are great marketers in our society to use some of their time to help the police in the work they do. That would be doing a great community service.

Let me provide a particular example, which my sister told me about. My hon. Friends will know my sister well and are aware of what a tough character she is. She is not a woman to be crossed. When she was at our local shopping centre one weekday morning at 9.30, she stood on the corner and watched two PCSOs walk around the perimeter of the shopping centre—not talking to the mums with their kids in the buggies, not introducing themselves at all. When they had finished, my sister went up to them and said, "I am really sorry. I watched you do that. Don't you think it would be a good idea if you shook the hand of everybody you met, talked to them and gave them your card so that they would know how to contact you?" They looked completely bewildered at her question and just said, "Oh, people do not like to be bothered when they are shopping." We all know that that is nonsense; we all know that people are crying out for a return to the mythical Dixon of Dock Green—the police officer who knew every blade of grass on their watch. We know that those PCSOs, who were probably very good officers, need to be given the skills so that they know how to react and connect with people to build that relationship of trust.

One thing I would ask my right hon. Friend the Minister to look at is the reintroduction of the old Respect taskforce. It used to be a real help, particularly as Members became increasingly frustrated that the council, police service and housing association were not dealing with antisocial behaviour. It was possible to contact that taskforce and ask its members to come and talk to the services involved. These people were often experienced practitioners who could cut through the miasma of bureaucracy and come up with a solution. I would seriously like to ask the Minister to reintroduce this taskforce.

Caroline Flint: My hon. Friend may be aware that the Home Secretary has said that he is going to produce some more guidance on good practice. Does she agree with me that the Respect taskforce took that guidance

[Caroline Flint]

and actually helped MPs, councillors and others to find the means to get things put into practice directly on the ground?

Siobhain McDonagh: I absolutely agree with my right hon. Friend. This taskforce also struck a note of fear. The fact that an expert was coming down to the local authority from the Home Office often produced results that had not been possible up to that time.

Mr. Hanson: I am grateful for that point, and we will certainly look at it. We are trying to ensure that we get the level of support we need in areas where there are challenges to overcome. Officials and other colleagues from the Home Office will, under Louise Casey's direction, visit and support local authorities that need that help.

Siobhain McDonagh: I thank my right hon. Friend for that, which will provide an important resource for all MPs who are concerned about antisocial behaviour.

The fact that there are many Members present this evening and that no one is scoffing at our discussion of antisocial behaviour shows that we have come a long way forward from 10 years ago. I am sorry that my speech has been mainly negative, but my desire is to produce better results than we are achieving at present. My desire is to break out of a bureaucratic setting, and to think about how we can resolve problems. That does not always involve the most expensive or difficult remedy.

My intention is to encourage people who are involved in the practice of dealing with antisocial behaviour to look for the quick and the cheap solutions, but also to understand how desperate people's lives can be when their next-door neighbours frighten them, do not allow them to sleep, and generally inhibit their enjoyment of life. I hope that if the debate pushes the matter back up the agenda and prompts a look at new, real solutions to the problems, we shall have earned our money today.

8.20 pm

Mr. Humfrey Malins (Woking) (Con): I shall brief. Let me begin by declaring my usual interest as a practising lawyer and as one who sits part-time, traditionally, in a number of criminal jurisdictions.

A week or two ago, in the middle of the afternoon, I was on a train 20 or so miles south of the centre of London. A group of about five young people got on. I think that there were two or three young girls of 13 or 14, and a couple of young boys of about the same age. They had been drinking. They sat almost next to me. Within seconds all their feet were on the seats, and within seconds the language was becoming fruitier and fruitier and less and less pleasant.

I put up with that for a couple of stations, and then three points occurred to me. The first—given that the behaviour was pretty nasty—was that I was not sure where I could get hold of a guard. Secondly, I asked myself whether I should intervene. I do not know whether my colleagues would have intervened, but I lost my nerve because there was a chance that I would get thumped. Thirdly, I thought to myself, "Wait a minute: what has gone wrong here? All we are talking about is the fact that someone, somewhere, has not taught these young people how to behave properly in public, and it is a real shame." I watched them get off the train a couple of stations later: a nice-looking, young bunch who might make quite a lot of life. But they had behaved so badly on the train, and I was not even sure that they had noticed what they were doing.

We have heard a great deal about ASBOs tonight. We have heard a great deal about their effectiveness or otherwise in relation to antisocial behaviour. I remember when they were introduced. Indeed, I have had to administer a few myself. They have a place in life—the Minister said so, and I agree with him—but there are an awful lot of breaches. The overall figure is 50 per cent., and in the case of youngsters aged 10 to 17 it is nearly 65 per cent.

Actually, I am not sure that I like the idea of a 10-year-old being subject to an ASBO. There must be other, better methods. Nevertheless, there are breaches. In 2005, 4,000 ASBOs were issued and 2,100 were breached. In 2006, 2,700 were issued and 1,800 were breached. Earlier, the Minister spoke of tougher action from the Government against those who breach ASBOs. He will know that already in the magistrates court breach of an ASBO carries a sentence of six months. He will also know that in the Crown court it carries a sentence of five years. Tremendous penalties are available to the courts, and I do not think that we need to toughen
them up.

We have also heard a great deal about new measures, but the question for me is not how we intervene in relation to antisocial behaviour, but when we intervene. In my view, the earlier we do so the better. For years in the House, I have heard about the introduction of new measures by successive Governments. I have heard about new policies: new orders from the courts, acceptable behaviour orders, parenting orders, referral orders, grounding orders, websites, helplines and night courts. The list of initiatives is endless. But does it get us anywhere? I do not think it does, and I think that most people out there in the community realise that that sort of top-down approach is not really effective.

Mr. George Howarth: As a junior member of the judiciary, does the hon. Gentleman not accept that the point at which they often break down is when they get into court?

Mr. Malins: When they break down—the children or the orders? It is hard to say.

Yes, I am a very junior member of the judiciary. I take that little slight on the chin. The trouble is, as far as I can see, that a great number of ASBOs are being breached. That suggests not only that they are not always effective, but that we are not intervening early enough with our children in the community.

Hazel Blears: Will the hon. Gentleman give way?

Mr. Malins: I will give way once more, but I promised that I would be brief—unlike others.

Hazel Blears: The hon. Gentleman appears to be arguing that ASBOs are not effective because they are breached. Does he not accept that ASBOs are often applied to the most prolific offenders, and are therefore

more likely to be breached in most circumstances? I defy the hon. Gentleman to tell my constituents Mr. and Mrs. Patel on the Duchy estate that their bravery in standing up and giving evidence was not worth while. It has made a huge difference to that estate.

Mr. Malins: I am afraid that that comment was not worthy of a former senior Minister; it is as simple as that. All I am saying is that ASBOs are not always effective. My main point is that our intervention should come at an earlier stage, with the children in our community.

Angela Watkinson (Upminster) (Con): I am sure my hon. Friend is aware that one form of antisocial behaviour starts as early as reception classes in infant schools, where children have not learned at home how to behave in an acceptable way.

Mr. Malins: My hon. Friend is quite right. I was about to say that the myriad orders, agencies, new punishments and new sentences from the courts are no substitute for a good, loving home life with proper role models for young men in our communities and proper discipline in schools, so that people learn from a very early age how to behave properly. I think that the House should focus on that.

Another issue that is very important to me is literacy. I have a great deal of anecdotal evidence from the courts where I sit. A huge percentage of the youngsters who appear before me—indeed, this is true of many aged between 18 and 25—have real literacy and numeracy problems. A typical example might be a young man, perhaps 20 by now, who comes from a very poor estate where there was no green grass and nowhere to play. He lived four floors up in a block of flats where the lift did not work. His mother was probably addicted to Prozac, and his father or stepfather was probably drunk and knocked him about. He went to school and did not make much of a fist of it. It was not long before he was beginning to get behind in his lessons, and then he began to truant. When he was truanting, he eventually got himself excluded form from school. He would go back occasionally, but then, because he was frustrated with life and could not read and write properly, his behaviour was becoming worse and worse. Finally, he was permanently excluded. Eighty-two per cent. of youngsters under 21 in our young offender institutions have been excluded from school at some stage, and approximately 50 per cent. have been permanently excluded from school. Many of them were excluded because they were disruptive. To a great extent, that disruptive behaviour comes from frustration at their lack of literacy and numeracy.

So many youngsters are incarcerated on short sentences—which, by the way, I believe are a complete waste of time and money—in our young offender estate. The levels of literacy and numeracy in the young offender estate are very low indeed. However, in many of our young offender institutions the maximum amount of time spent on education and training is only four hours a week. What the devil is that worth to somebody who goes in there barely able to read or to write his own name? There is also two hours a week on team sport. Call me old-fashioned, but I happen to believe in the merits of team sport—of learning to take a knock and give a knock, and to behave properly.

As often as not, those in our young offender institutions are locked up for 17 hours a day, and there is a total lack of emphasis on what is truly important: getting the boys—they are boys—to read, write and become better qualified for life outside. There is also a total lack of emphasis on resettlement. In the last few months of a sentence, we should be striving hard to ensure that every youngster coming out of a young offender institution has somewhere to go—a job to go to, a mentor, a bit of support outside—otherwise there is just a revolving door and they come back inside.

The behaviour of a minority of young people is very bad—although most young people are brilliant. However, I firmly believe that we, as a Parliament, must not debate this issue every six months, trying to outbid ourselves with more and more different punishments, more and more different bodies and more and more different headlines, when in fact we know that the truth is that we must intervene with youngsters early, because if we do not, the rest of our talk is rubbish.

8.31 pm

Nadine Dorries (Mid-Bedfordshire) (Con): It is about 8.30 pm and seven Members still wish to speak, so I shall keep my comments as brief as possible.

I had wanted to talk about the importance of the role of the family. I have looked at the situation in some European countries where there is a stronger family ethos and where antisocial behaviour differs very much from ours both in type and in the amount and frequency of it. That will have to wait for another day, however.

Instead, I shall discuss a situation that arose in my constituency over the weekend. The hon. Member for Bridgend (Mrs. Moon) said she was out in her constituency on Friday night, observing how the street pastors operate. I was out in my constituency in the very early hours of Sunday morning, having received a telephone call to let me know that 800 cars, each containing between two and five young people, had arrived between two villages. They proceeded to leave the cars, walk into the woods to a disused warehouse and have an illegal rave. We might ask, so they left their cars and went into the woods; where is the harm in that? Well, there are a number of ways in which that behaviour was antisocial, and there are a number of issues to do with how it was dealt with and how I would like it to be dealt with in future.

First, the warehouse was unsafe; there was steep rock and it was surrounded by water. It is also no exaggeration to say that everybody in there was high on drugs. The organisers were making their money by selling the drugs, not by charging an entrance fee. The cars had been left all over the road, too, and the local people were kept awake from about 1 am, when the cars started to arrive; they screeched up and down between the two villages. There was also the noise from the sound system. Three thousand people descended on to this small rural area, and it was completely overwhelming.

The debris caused were an antisocial feature, as was the fact that there were no toilets—people just went to the toilet where they could. My biggest concern, however, was the fact that there was no water supply and also that there were no medical facilities, no emergency services and no back-up. These kids had no water. I was there for seven hours, along with others. The kids were

[Nadine Dorries]

taking pills, inhaling from canisters and yet they had no water. They were not in a position to be in control of what happened to them or their own safety.

Another big concern is the fact that these people came to our constituency in the first place. They did so because the place they came to was seen as an easy target. Two policewomen were sent at the height of this rave. I am not sure what they were sent to do; I imagine the phone call went to the emergency services and they came. They wandered into the middle of this illegal rave, but they should not have done so because their safety was compromised. We needed a strong response from the local police to protect the safety of these young people, getting them out of this area and this danger.

What did the police do? When it became daylight these two policewomen, having been up, left their shift and two policemen came to take over—they were great people, but what could two of them do in the face of this? The police superintendent told us that they were going to send a helicopter up to assess the danger, despite the fact that we had been there for hours and had already been up there. They sent the helicopter up, although we had actually been told that the weather was too bad; we knew that it was raining, because we were soaked to the skin. Thank goodness it does not rain in Afghanistan, Iraq and such places, because I have no idea how helicopters are used there when it rains. The helicopter eventually went up when the rain stopped, and a couple of hours later the police did come out. The action chosen was to stand and to serve an order on the organisers—but there were no organisers as such.

People slowly began to disperse peacefully. All credit to the kids, because they did, in their incapable state, try to clean up some of the mess as they left. People who should not have been driving were getting into cars. Drugs are as dangerous as alcohol when one is driving, and these people should not have been getting into their cars on leaving—this was 13 hours after they had arrived. If we had had an elected police commissioner who was accountable to the people of the two small towns where this rave took place, the police would have been more rapid in their response and more effective in how they dealt with the situation. As it was, this rave continued and people had their day disturbed, as their night had been. Can one can imagine this going on all through the night? I was there at 7 am and I got home at 2.30 pm —we were just in the position where we could leave around then. The mess on the roads and at the site was disgraceful.

We have spoken about antisocial behaviour today, and people have cited their cases and what has happened to their constituencies. Antisocial behaviour can be anything from a child misbehaving, or somebody on the tube or train with their iPod on too loud so that it disturbs everybody else's peace and environment, to something like the 3,000 people who arrived in my constituency. At the bottom of all this is the authorities' ability to deal with antisocial behaviour as it arises. I know that a number of cases have been made for the myriad of agencies and tools that both the police and the authorities have to deal with antisocial behaviour, but the fact is that in many cases they do not deal with it. As I witnessed with my own eyes on Sunday, it is not a case of not wanting to deal with it; it is almost a case of there being too many instruments for the police to use. It is not as though any one event is dealt with by saying, "This is how we deal with this; this is the tool we use." There are so many tools that the police are confused as to what they use and when.

We know that 15,000 antisocial behaviour orders have been served, that 50 per cent. of them are breached and that 65 per cent. of ASBOs given to young people are breached. That constitutes a fail; it means that ASBOs are not working. Rather than serving ASBOs on young people who behave in a way deemed to be antisocial, perhaps we should be reinforcing our police, so that they can act in a way that makes these young people think twice about what they are about to do before they commit any instance of antisocial behaviour; those 3,000 young people who wanted to arrive in my constituency for an illegal rave should have known that it was not worth their while, because the police would descend on them and move them on. It should not have been worth their while coming from Wisbech, Suffolk and all the other places that they told me they had arrived from, because the police should have had the powers and the ability to deal with the situation straight away and move them on. Apparently some police forces do take that approach, which is why the kids were in my constituency; they were there because the police forces in their area have a zero-tolerance attitude towards these raves.

It has been very interesting to listen to some of the speeches made by Labour Members—in fact, it has been amazing, because this Government have been in power for 12 years, but some of the speeches have almost suggested that antisocial behaviour is a new phenomenon that has suddenly arisen. If we speak to anybody, anywhere and ask them what is of huge concern to them, the answer will be the rise in antisocial behaviour in all areas of life and in all places. Whether it is on the train or in schools, or whether it involves people descending on the streets in my constituency, antisocial behaviour is on the increase and it is getting worse.

Whatever we are doing with the myriad tools and instruments that the police have, it is not working. The sooner the Government accept that, the better. As soon as they understand that the way to deal with antisocial behaviour is to give the police powers, to make them more accountable and to give them the ability to deal with such behaviour as and when it arises, the better it will be for all of us. One way of doing that, and of ensuring that it happens, is to consider having elected police commissioners.

Tom Brake (Carshalton and Wallington) (LD): The hon. Lady is about to refer to the elected commissioners as part of the solution. Will she explain why so many senior police officers do not see those as part of the solution at all and are worried about a politicised police force?

Nadine Dorries: I am delighted—I thank the hon. Gentleman for that question. Who would want to vote for their job, which is incredibly safe, to become not so safe and more accountable to the people? Who would want that? It is probably self-explanatory why police chief constables do not want this to happen. We are not

talking about elected chief constables—the hon. Gentleman completely misunderstands me—but about elected police commissioners. They are not quite the same, but it does not make any difference: if someone were accountable for how the police respond to antisocial behaviour, I guess it would be dealt with much more effectively.

I will sit down now because I know that lots of hon. Members want to speak, but I wanted to highlight the case in my constituency this weekend, how it disturbed the lives of many hundreds of people and how we need to reinforce our police forces so that they can instantly deal with such situations when they arise.

8.42 pm

Alistair Burt (North-East Bedfordshire) (Con): This has been an enlightening but also frustrating debate. We have heard about many things that have frightened us on behalf of our constituents, but we are frustrated because we have been here before. It is not a subject on which there are easy answers or places where we have been successful. The hon. Member for Mitcham and Morden (Siobhain McDonagh) made as eloquent a plea for a change of Government as I can remember hearing, if that is her experience in her constituency after 12 years of a Labour Government. The only phrase that she did not include was a plea at the end of, "Why, oh why can't someone do something about all this?"

Siobhain McDonagh: The hon. Gentleman needs to be aware that the council involved, Merton council, is a Conservative-run council and my complaints are mainly based on its actions. I did not want to mention it, because I did not want to reduce people's concerns for the constituents to whom I referred.

Alistair Burt: In my understanding of government, the Home Secretary is a Labour Home Secretary, the democracy that the hon. Lady was asking about is run by a Labour Government, and if a council is not doing something there is a democratic way of dealing with it. She was complaining about Labour policies. Who created the structure that she was kicking up so much fuss about? It was a common theme among a number of colleagues who spoke, who talked about the endless meetings and liaison panels and the industry that has grown up. It is not one council's fault or one Government's fault. There has been a change of attitude over a long time, but the truth is that after 12 years there is only one place where the buck stops, and that is with her colleagues.

I shall do my best to be brief. I shall cover ground similar to that covered by others, but I want to outline the situation isin my constituency and say two or three things that highlight the concerns in North-East Bedfordshire, a largely rural area with frustrations and concerns related to antisocial behaviour.

In Little Staughton—a small parish in the north of my constituency—people had a very bad summer. A series of outbreaks of criminal behaviour, including damage to property, and abusive behaviour was finally traced to a young man and a few acolytes whom he led. The young man had problems, which is often the case with those involved in such activity and behaviour, but huge distress was caused to the local parish. However, its excellent parish council chairman, Tony Moss, is concerned about people's inability to be contacted by the police and about the criminal justice system's inability to inform them about what has happened as the result of their complaints and concerns. He said, "If you're not attached to the criminal justice system, you're not aware of what's going on." He is concerned that the police's hands are often tied in terms of informing people of the progress of a case and the individual concerned and what the sentence and compensation might be. In that case, the parish council believes that restorative justice would make a difference. It would like the young man and his friends to work in the village, so that people could talk to them about what has happened, so that they can understand the impact of what they have done and regain some self-esteem by doing something about it. The parish council's approach seems perfectly reasonable: this is something in which the criminal justice system should involve people.

In an intervention I mentioned the concern felt by many people who look after organisations that the increasing bureaucracy and regulation relating to child safety are driving away those who want to take part and volunteer to help children and young people in my constituency. I was disappointed by the Minister's response. I hoped that he would be more positive about the concerns that have been raised about the Independent Safeguarding Authority and say that he takes them rather more seriously than the incumbent chief executive would appear to have done.

There is a good article in *The Sunday Times* this weekend by Jenni Russell, who describes how a small boy could not be picked up by someone who knew him, because he had not been authorised to pick up the child. The youth worker who stopped the child being taken home knew that the boy faced a mile-and-a-half journey on his own in the dark, in the rain. She could not take the boy home either, and he went home in the dark, in the rain on an unlit road. Jenni Russell says in her article about the way we now deal with such issues and the checks:

"Everything about this approach to the question of how to make society safer is wrong. The problem isn't that most people are potential abusers of children or adults; it's that a tiny and determined minority are. Vetting millions of people is not only horribly intrusive; it's a waste of time. It will create a false sense of security. Even if all the rumours and accusations the ISA received were accurate, and even if it got a remarkable 99 per cent. of decisions right, that would still mean that hundreds of abusers would be cleared, and more than a hundred thousand innocent people would lose their jobs or their reputations by being ISA-barred."

I had a message today from the twinning association in Sandy in my constituency. The mayor of Sandy, Geoff White, passed on to me a letter from the twinning association that says, "You'll no doubt have read in the newspapers during the last week that the independent safeguarding agency is now demanding that anyone who comes into touch with children that are not their own offspring will now need to have a CRB check. This includes those who are giving a lift to their own children's friends to football practice and other clubs etc. and it also seems designed to stop foreign exchange students or children on normal twinning trips from visiting unless the hosts and probably the entire committee have been checked. The current situation with youth groups such as scouts, guides, sports groups etc. is that all leaders and helpers should be CRB checked before being allowed to work with the youngsters, but now the Government wishes to include anyone who comes into contact with children." We have created a situation in which those who—

Mr. Deputy Speaker (Sir Michael Lord): Order. I was not watching the hon. Gentleman precisely, but was he reading from an electronic device?

Alistair Burt: I think that I am allowed to do so in the Chamber.

Mr. Deputy Speaker: No; I think that doing so is to be discouraged. I will not say any more at this point; I should like to take advice. The hon. Gentleman should continue with his speech.

Alistair Burt: Thank you, Mr. Deputy Speaker. It was a letter to me in a different form.

Mr. Deputy Speaker: I am not sure that it is a good idea to read from an electronic device during a speech.

Alistair Burt: Thank you, Mr. Deputy Speaker.

I was seeking to make the point, which the community in Sandy was making to me, that the involvement of adults with youngsters in a series of societies and groups gives those youngsters the opportunity to be mentored, to do something and to become engaged in community activity. The youngsters who need direction most are often those who will be most disadvantaged if adults feel that they can no longer take part in such activities and feel squeezed out of the role that they play as leaders in society. The damage being done, and the separation being created between adults who wish to be involved and those whom they can look after, is becoming too great and is threatening to create more antisocial behaviour as an indirect consequence.

Reference was made earlier to Louise Casey. What she said earlier this year was highlighted by a number of speakers. She says that the justice system appears to most people to be a

"criminal's justice system",

and that instead, they want a

"public justice system".

Her own research, she says, has shown that two thirds of the public think the system respects the rights of the offender more than those of the victim:

"The public need to know that people who break the rules face consequences, otherwise they give up hope".

In her contribution, the right hon. Member for Salford (Hazel Blears) said that the debate was sometimes polarised between those who spoke about intervention and those who spoke about justice. She is correct to say that it is a mixture of the two, but I do not think that anyone in the debate or anyone who has spoken seriously on the subject has tried to polarise it. We need early intervention, and we need the engagement of adults when children are young and as they get older. Of course, as in the case referred to by my local parish council in Little Staughton, we need to know that justice works and is effective. One of the failures of the Government over the past 12 years is that the public are not convinced of that, or Louise Casey would not have said what she said.

Mr. David Heath (Somerton and Frome) (LD): Will the hon. Gentleman give way?

Alistair Burt: Very briefly, as I am conscious of time for others.

Mr. Heath: Does the hon. Gentleman agree with the conclusion that I am rapidly coming to—that one of the problems is continuity in the judicial system? A single sentencer should see cases through beyond the point of sentence and have feedback on whether that sentence is effective in reducing crime, which is what the system is all about.

Alistair Burt: The hon. Gentleman makes a fair point. It is all a matter of greater accountability and making sure that once boxes have been ticked, a case is not pushed off to someone else and does not disappear from sight. A number of colleagues have made reference to that.

I close with one final issue. It is an old chestnut, but the older I get, the more true I think it is. Once we start to deconstruct authority, what do we put in its place? Not long ago there was an automatic assumption that the teacher was always right, the head was always right, the policeman was always right, and the adult was always right in any situation where there was a conflict of opinion with a child. It was rough justice, but there was certainty.

Now we know that adults are flawed and make flawed decisions, but we have so deconstructed authority that we have taken away the certainty that the old system provided and put nothing in its place. Instead of certainty with a bit of rough justice, we have uncertainty with a lot more rough justice, and a lot more people losingout because that authority and that sense of certainty have gone.

There is a continuum in the deconstruction of authority that leads to people feeling, "I can do what I like, because I can challenge anyone I like and I will get away with it. It will take the system so long to catch up with me that I can do what I please." That is how people feel that a sense of justice has slipped out of the system. It has been cumulative over a long period. From what Labour Members have said, it seems that they have not quite been able to deal with that. It will thus fall to my hon. Friends on the Front Bench to do so when they get the chance.

8.53 pm

Dr. Richard Taylor (Wyre Forest) (Ind): I was delighted this afternoon to hear the Minister, in his introduction, emphasise the right of everybody to enjoy their life in peace. The sentiment was echoed by the hon. Member for Bosworth (David Tredinnick). The other thing that has pleased me is that I do not think I have ever seen quite so much nodding from those on the Government Benches to contributions from Opposition Members, and vice versa. There is a huge degree of consensus across the House.

I shall not speak about young people and alcohol abuse, because that topic has been covered. Instead, I shall echo the hon. Member for Mitcham and Morden (Siobhain McDonagh) and speak about single examples of neighbourhood harassment. I welcome the comment from the right hon. Member for Don Valley (Caroline Flint) that these troubles occur across all social backgrounds.

The two cases to which I shall draw the House's attention both involve articulate, intelligent families who live in their own properties. In the first case, the family own two houses in a terrace, and the alleged problem involves the house in between those two related

properties. There has been physical and verbal abuse, foul language and intimidation of the elderly parents, in particular—so much so that they are frightened to walk alone across the neighbour's property to their relatives' house. That abuse culminated in actual assault, first of the elderly father, and the assaulter was given a five-year caution. The second assault took place on the elderly mother, even though the caution was still in existence. The perpetrator was arrested, but the Crown Prosecution Service decided against prosecution, as the only witness was the husband, and that was inadmissible. So the family continue to live, in their words, as prisoners in their own house, and their quality of life has plummeted. They have given me 55 pages of evidence documenting intimidation and abuse, including many communications with the police and the CPS. Yet those intelligent, articulate people are still terrified to walk between their two houses.

The second case again involves privately owned houses at the end of a very pleasant and quiet cul-de-sac in one of the best areas of my constituency. Although two of the most deprived parts of the west midlands are in my constituency, those are not the areas to which I refer. There are about eight dwellings at the end, and again, two constituents from the same family live nearby and are separated by the alleged troublemaker. There are not many other complaints, because one of the eight houses is empty; one couple are frequently away; one elderly couple are in poor health and too frightened to complain; and one property is on the market, so the owners cannot get involved because they do not want to jeopardise their sale. We are therefore left with just the two houses occupied by members of the same family, and another lady elsewhere.

The harassment has been going on for seven years, involving physical obstruction, verbal abuse, obscene gestures, spitting, rubbish thrown into gardens and trespassing. Some events have been recorded on CCTV; again, there have been many police visits; and, again, the CPS has felt unable to prosecute. I have taken up the matter, and I have a copy of a letter from the CPS, but it just has the matter down as allegations of behaviour not amounting to crimes, and it claims that it has no evidence of concerns from other people. That is incorrect, and I shall take it up with the CPS.

However, my constituents wrote to me, saying:

"The whole situation is becoming a very dangerous farce, anti social bullies and thugs are being allowed to ruin our communities... It is high time that the law was sorted out to put the police back in control and make penalties commensurate with the offences and not just a derisory slap on the wrist."

Since the very sad Pilkington case and the case in Lichfield, where somebody was actually killed, constituents have written to me, saying much the same as that letter. They say, "Put the police back in control, give them the powers and make the penalties fit the offence."

We have probably all heard this old proverb, "Good fences make good neighbours." In these days of open-plan living, open estates and very few barriers between houses, we cannot have good fences to make good neighbours, because it is just not possible. So we must somehow give the police and other authorities more weapons to be more effective.

9 pm

Mr. Brooks Newmark (Braintree) (Con): Thank you for calling me, Mr. Deputy Speaker; I appreciate that four Members wish to speak in the next 30 minutes.

Like many other Members, I should like to address the Minister with some advice based on anecdotal evidence. Having been a Member of Parliament for the past four years, I have had experiences like those of many other Members, and I hope that what I say will help the Minister to come to some sort of solution to the problems that many of us have addressed.

I want to begin by congratulating not only Essex police as a whole, but my local police in Braintree and Witham; I am thinking not only of full-time police officers, but of specials and police community support officers. Against the backdrop of there being an attack on individuals every 30 seconds in this country, we have seen locally a reduction in the number of incidents of antisocial behaviour. My local police are to be congratulated on that.

The problems, however, are numerous. I have five children, and I would not bring any of them into Braintree town centre on a Friday or Saturday night. I would rather take them to the cinema in Freeport, which is at the edge of Braintree, because the town centre has almost become a no-go zone—whether because of the binge drinking or the youths congregating and looking aggressive. It all becomes intimidating, not only for people wanting to bring their families to the town centre, but for the elderly as well. That is the first problem.

The second problem is the 24-hour drinking culture that has developed. I had a meeting with my local police chief in Braintree recently, and he commented on the fixed-price, all-in drink promotions. He said that they did not bode well for a reduction in "antisocial behaviour"; he actually used that phrase. The police are very cognisant that the drinking culture, including the cheap alcopops and 24-hour drinking, is a major cause of antisocial behaviour.

Youths congregate not only in the town centre, but in the estates and villages, and the problem is not only the fact that they congregate. A number of times, particularly last summer, I have gone out to talk to the young in the town centres and estates, asking them what the problems are. The problems are twofold. First, there are no community centres for them to go to any more. There were community centres in Braintree 10 or 15 years ago, but now they just do not exist; all the areas have been developed as a result of the pressure for house building and so on. There are not even simple things such as shelters. My council did build a wooden shelter, but a week later the whole thing was torched and it was there no more. The council is now trying to build shelters out of metal, which cannot burn down.

Village greens have become centres for drug dealing. During the 2001 election—sadly, I did not win a seat—I distinctly remember speaking against my Labour opponent in Silver End. We were discussing antisocial behaviour and the drug culture, and the audience started laughing because through the window at the back could be seen a youth on a moped dealing drugs with kids from the local village. Village greens also face the problem of antisocial behaviour.

There is also the issue of disruptive vehicles. When it is otherwise empty, in the early hours of the morning, Freeport becomes a go-cart centre—people skid their cars around there. The right hon. Member for Salford (Hazel Blears) mentioned motorbikes. I had a meeting up at Cornish Hall End, a small village at the north end

[Mr. Brooks Newmark]

of my constituency. On Saturdays and Sundays people there have problems, and not only with young people. Mature adults race their motorbikes through the village. Motorcyclists read that if they zoom through Cornish Hall End and on to Finchingfield, they get a very good run. That is highly disruptive and antisocial to people in those villages.

Then there is the major issue of schools. As I am sure that many of us hear when we go to meet our local headmasters, a small minority of children are disruptive and antisocial and cause problems for the vast majority of children.

The hon. Member for North-West Leicestershire (David Taylor) talked about noisy neighbours. Every single week when I hold my surgeries, I get at least one or two people who come in and talk about noisy neighbours. That becomes very frustrating, whether it relates to loud music or arguing and shouting. What about the concept of neighbourliness? I say, "Can you talk to your neighbour?", and they say, "Yes, we do, but they simply won't listen, and the noise and abuse goes on."

When I meet elderly people, including members of Braintree pensioners action group, they often say that fear of crime, not necessarily crime itself, is a major issue in terms of antisocial behaviour. I live in a semi-rural area with isolated village communities where many people live alone, including elderly people, and this issue is brought to me time and again.

The town centre of Braintree, in particular, and Witham, to a certain extent, have become no-go areas at the weekend. That takes up a great deal of police time. The police keep telling me how much time they spend on form-filling and transporting drunks and people who are behaving badly. It is similar to the situation in schools, where a few badly behaved children can impact on the learning of the many.

So what are the solutions? Locally in Braintree we have a mixture of community initiatives and enforcement. We have hard-line policing policies at closing times. We have two alcohol-free zones. We have street pastors on Friday nights who work independently of the police; I congratulate them on the work that they do. We have a term-time roadshow that interacts with children of all ages. In the past year, there has been a reality show attended by about 1,500 children aged 13 and 14 to try to equip them to deal with the problems that they will encounter. That issue was raised by the hon. Member for Nottingham, North (Mr. Allen). We have had Operation Marple, whereby the police go around not only confiscating alcohol from minors but trying to provide solutions by finding alternative activities for them. It is not merely a question of punishment but of trying to figure out ways to engage with and help the young children in our community.

The schools in my area have done a tremendous job in improving behaviour. I congratulate those at Maltings academy and Rickstones academy in Witham, Tabor school, Notley school and Alec Hunter college, including the heads, for the excellent work that they have done, particularly in the past couple of years, in reducing antisocial behaviour in their schools.

When I have gone out with the police, they have targeted hot spots. When I meet small community groups, I tell them that they must report it to the police when there is a problem because the police can then target those hot spots over time and reduce antisocial behaviour in those areas. Most important of all, there is a need for greater police visibility, especially on the estates and in the villages. I congratulate the PCSOs on the excellent work that they do in trying to reduce the fear of crime and on interacting with the community.

On a national level, the police must be freed up from at least the perception, if not the reality, of red tape and bureaucracy that keeps them off the street: we want them on the street, as we have heard from many Members on both sides of the House. The police should have the power to remove, not just to disperse troublemakers. As the Conservative Treasury team have said, the price of alcopops should be increased as a way of reducing antisocial behaviour. There also need to be tighter curfew orders against persistent offenders.

Most important of all, parents have to take responsibility. That was stressed by the right hon. Member for Don Valley (Caroline Flint) and my hon. Friend the Member for Woking (Mr. Malins). If no other message comes from today's debate, we must point the finger at parents and say, "You have a responsibility for your own children."

Finally, I draw the Minister's attention to the good work of my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) and the Centre for Social Justice on tackling the causes of antisocial behaviour and the breakdown of Britain today.

9.10 pm

Mr. Dai Davies (Blaenau Gwent) (Ind): I start by saying how much I admire the work of the police. It is an unenviable job, and to follow on from what my hon. Friend the Member for Wyre Forest (Dr. Taylor) said, the police have expressed frustration to me about their inability to get charges through the Crown Prosecution Service and into court.

Although we have spoken a lot about the young people of this country, it is not just people under 18 who cause antisocial behaviour. It is often families and people in their 30s, 40s and 50s, so it is not right to demonise young people. In fact, I had the honour of attending a meeting of the all-party group on youth affairs last week, chaired by the hon. Member for North-East Derbyshire (Natascha Engel). Some 50 young people were there who took an interest in their community, in law and in government. I urge Ministers to speak to those young people and listen to them, because they want to put things right as well.

I have lived in the same street in my constituency all my life, and it has saddened me to see the change over the past 20 or 25 years. The community has disintegrated in some parts of my constituency. Areas such as mine relied on traditional industry, and we are now seeing the second and third generation of people unemployed. That has led to a loss of identity and belonging. Children have nothing to belong to, and they do not want to address anything in their area any more. They are disengaged from all aspects of life.

We have heard about the tragic death of Fiona Pilkington and her daughter, and we could all cite cases of exactly the same problem. There are two ladies living alone in a council property in my constituency who have had their windows smashed four times in the past six months.

Often in such cases, the same thing happens as in the case of Fiona Pilkington: the crime is reported, but because it is at the same address as a previous crime it tends to get low priority. I have tried and tried to get those two ladies registered as vulnerable adults, because they are in trouble all the time, but the council will not recognise that.

The Minister said that the problem of perceived crime was reducing, but I only hope that real crime is not going up. In my constituency, the police have told me that because of the recession the increase is more than 10 per cent. I have said before in the House that we have taken police away from our communities. We have empty police stations across our boroughs. I have said many times that we should go back to having police houses on estates. It was said earlier that the police need to live with the problem, but they used to do that. They were there on estates and on hand to respond to problems.

I have asked many times for family intervention. When troubled parents have two, three or four children, the chances are that the children will not be angels. Unless we deal with the problem on a one-to-one basis, it will not be solved. The Minister mentioned the family intervention project. Will he clarify who pays for it, and who controls it, and when he will consider rolling it out in other areas?

The problem of education has been mentioned. I have said many times that children are now having children, and the grandparent role has disappeared in some families because people aged 30 do not see themselves as grandparents. The wider family is starting to dissolve.

One project that has been introduced in our area is the PACT meeting—partners and community together—which is a wonderful concept using the multi-agency approach that we have heard about tonight. The problem is that when issues are raised at PACT meetings time and time again and nothing is done, it drives away people in the community. They think, "What is the point? Why should I attend? Nothing is ever done."

As my hon. Friend the Member for Wyre Forest said, people are becoming afraid to come forward and confront those who are causing problems. We have heard tonight about the 3,000 or so laws that have been introduced over the past 10 to 12 years. My hon. Friend and I were present when the "Anti-Social Behaviour Enforcement and Support Tools" document was published. The sad thing is that although we support the document, we have yet to see it really put into force. The last thing we need is more laws that will not be enforced.

I was very concerned to hear in the news recently about the proposal—although it has been put to one side—for police to carry guns. We are moving towards an American system, and that is something to which I object. My worry is that we are also looking at vigilantism. If we are not to deal with the situation in a law-abiding way, in some areas—I have seen such things on estates in my constituency—we could move towards vigilantism and people taking the law into their own hands.

I have urged police in my constituency to walk the streets in plain clothes. Very often, they turn up like the cavalry, with the horns blowing and flashing lights, so by the time they arrive, the perpetrators have gone—the police have driven them away. That is wonderful for that street at that time, but the police have just moved the perpetrators elsewhere. CCTV cameras have the same effect. They are a wonderful concept, but they tend to move the problem from one street to another, not to solve it.

The police look at statistics—the Minister for Policing, Crime and Counter-Terrorism mentioned that the number of targets and statistics is being reduced—but my worry is that they book smaller crimes, such as parking offences, and the community is given those statistics on what the police have done. In many cases, the police do not investigate car damage. I have urged my constituents at the very least to ask for a log number whenever they phone the police, because if their call is listed as "no crime", at least there will be a log of the call to the police station.

There is huge concern about the loss of funding. We have heard about the multi-agency approach, but the budgets of borough councils are being squeezed every year. I am afraid that the number of youth workers will decrease and that community centres will be closed. I am also concerned about short-term funding. We put something in place for six or 12 months, but if it works, it should be there for ever. We are worried that the voluntary sector is being squeezed and losing funds. We have heard about wardens on the streets and community pastors—there are lots of initiatives, but it is no good having an initiative for a week or a fortnight. If it works, it should be funded for ever.

One debate last week was on the Territorial Army. I wonder whether there is an opportunity for the young people who are causing problems to be part of the TA, the Air Training Corps or the Scouts. Can we develop a programme that will get those youngsters involved in community work? I know there are lots of problems with health and safety these days, but there are so many things that need doing in our constituencies, and I am sure there is a will and a way to do them.

I look forward to the day when people from both sides of the House can sit around the table together—we have heard good ideas and wonderful things from people of all parties and, I hope, from independents. I wonder whether we could one day get together and put those things down on paper and introduce them.

9.18 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The House will be aware that in the year 2007-08, 3.9 million instances of antisocial behaviour were recorded in England and Wales, but we also know that that is a gross underestimation of the actual number, because many people simply will not report instances because they fear reprisals. In fact, it was estimated that last year, more than 30 million instances of antisocial behaviour took place in England and Wales. The Government have pledged to be

> "Tough on crime, tough on the causes of crime",

but I think we are all agreed that that phrase has a hollow element to it right now.

It is not just the Opposition who are critical; I would like to refer to an article in *The Daily Telegraph* last month by the right hon. Member for Birkenhead (Mr. Field), who wrote:

> "Come the election, Labour will have been in office for 13 years. Voters are entitled to ask why…the Government didn't act sooner to counter the hothouse in which neighbours from hell are so easily bred."

[Mr. Shailesh Vara]

Crucially, he added:

"After all, if the defence offered up over the banking crisis is that no one saw it coming, the same cannot be said in relation to anti-social behaviour. There was plenty of evidence that lives were being destroyed."

While the Government sleepwalk, tens of thousands of our fellow citizens are daily subjected to utter and absolute misery, many of whom are the most vulnerable and poorest in society. There is no point Ministers shaking their heads in disapproval: the facts speak for themselves, as do our post bags—

Mr. Hanson: Will the hon. Gentleman give way?

Mr. Vara: I will not give way, because the Minister will have plenty of time in the winding-up speech.

The Government have had a plethora of initiatives, with a mixture of results. ASBOs have had limited success and, instead of being a deterrent, they are often seen as a badge of honour. As for penalty notices for disorder, I issued freedom of information notices to every police force, and the results were disturbing. There were instances of penalty notices being served on individuals who had not yet paid the previous penalty or penalties. One individual received nine PNDs over a five-year period, eight in one year alone. One would have thought that there would come a point when people would stop issuing PNDs and take some serious action.

One of the things that we must do most urgently is stop the police suffocating under bureaucracy. People do not join the police force so that they can become clerks in offices and sit behind desks. They join the police force so that they can be out on the streets, fighting crime. That message has not been taken on board in the past 12 and a half years.

Antisocial behaviour is a stepping stone to more serious crime. If a young thug believes that today he can terrorise his neighbours, there is no reason to believe that tomorrow he will not walk into a shop, assault the shopkeeper and take the day's earnings. It costs £60,000 a year to keep an individual in a young offender institution, and it costs £41,000 a year to keep a prisoner in prison. We are all clear that for every pound that is spent on a youth offender institution or a prison, it is a pound less for our pensioners, our armed forces, hospitals, schools and so on. So it is vital that we try to deal with the root causes—as hon. Members have mentioned.

Early intervention has been mentioned. Many social issues need to be considered, but time does not allow me to go into them in great detail. They include family breakdown; drink and drug abuse, both by parents and the offending children; lack of stable family units; lack of parental supervision; and lack of discipline, both at home and in schools. There is also a distinct lack of role models. The only role model that some individuals have is a father—in some cases, a mother—in prison or, if not in prison, engaging in activities that will lead to imprisonment. Crime is seen as a family occupation, often followed by the next generation. Being picked up by the police, fined or locked up in prison is simply seen as an occupational hazard.

Of course, many of the solutions have been covered—the work of councils, other agencies and so on—but I want to mention two particular instances in my constituency, both from the voluntary sector. One concerns a highly respected local individual by the name of George Martin. Mr. Martin and a group of well-meaning people raised funds and bought a centre in the village of Stilton in my constituency. They run that centre on a voluntary basis and it is a great success—as I know, because I have visited and spoken to the children and young people who use the facilities.

Another successful venture is in the village of Somersham, where I have visited a refurbished and improved play and sports area for young people. I went there with a dedicated councillor by the name of Steve Criswell. It is a partnership between local business and the district and parish councils, and is also a success story for a local initiative.

There is one other measure that I would like to commend to the House: the national citizen service, which has been put forward by the Leader of the Opposition, my right hon. Friend the Member for Witney (Mr. Cameron). It comprises a six-week course for all 16-year-olds to have a life-changing experience—an opportunity to mix with others away from home; an opportunity to test their limitations and challenge their prejudices; an opportunity for personal growth and service to others. The national citizen service will help to prepare young people to become better citizens, so that they can learn to be responsible and have respect for themselves and others.

In conclusion, after more than 12 years, six Home Secretaries and countless pieces of legislation and initiatives, there is still so much more to do. This Government came into power on a promise of toughness, but they have shown themselves to be desperately weak. I am only sorry that along the way so many people have suffered, and that they continue to do so.

9.25 pm

Angela Watkinson (Upminster) (Con): We have heard from numerous speakers this evening that a wide range of strategies are in place to try to deal with antisocial behaviour. However, they are only as good as the sanctions that apply when they are breached, which happens all too frequently—unsurprisingly, because they are issued to people who are non-conforming and have no natural empathy with others.

The initiative that interests me most is the child safety order, which allows compulsory intervention when a child under 10 engages in antisocial behaviour. To most right-minded people, the thought of a child under 10 out in public unsupervised and getting into trouble fills us with horror. A child safety order allows compulsory intervention and, if breached, can lead to a parenting contract, which is issued on a voluntary basis, but which, if breached, can lead to a parenting order. I hope that when the Minister sums up, he might elucidate what happens when a parenting order is breached. What happens then to the child who required the child safety order in the first place?

We have also heard about the wholesale breaching of ASBOs. Breaching an ASBO is punishable by a fine or up to five years in prison. I am not sure how often the continuous breaching of an ASBO leads to a custodial sentence, but when it does, it is important that the person concerned leaves prison a better person than when they went in. One way to achieve that is by

improving education and training courses in prison. However, one of the greatest impediments to that is that someone serving a custodial sentence who has to make a court appearance will thereby lose their place in the prison where they are serving their sentence. When they leave court, they are transferred to another prison, which means that any education or training that they might have been undertaking is lost, and they have to start all over again.

To somebody who might not have a good educational grounding before they go into prison, that is extremely discouraging. I hope that it might be possible to do something about that, so that people in prison can at least complete the education and training courses that they take. Even more needs to be done with employers, particularly large organisations, so that people who have completed custodial sentences are given a chance of employment, so that they can become productive members of society.

All the strategies that are in place need serious review, to see which are working and which are not, and how well they are working or otherwise. Barnardo's has had some interesting ideas about both education programmes for children and parents outside prison, and a range of specialist services, including remand fostering, which all need to be considered together in addressing how best to combat antisocial behaviour.

There is great perplexity among people in my constituency who have been victims of antisocial behaviour. We have big problems on our buses. At one stage, two routes had to be withdrawn because the antisocial behaviour was so bad, with passengers and drivers being abused and bricks being thrown through the windows, but that has now been overcome. The routes had to be withdrawn for a period, so all the people who wanted to use them were disadvantaged because of the bad behaviour of a small number of people. I should pay tribute to Havering PCSOs, who are now doing an extremely good job of riding on the buses and giving confidence to elderly passengers in particular. Happily, for the time being at least, the bad behaviour on the buses seems to have been overcome.

Two elderly ladies who were living on either side of a problem family have contacted me this week. There was a litany of antisocial behaviour over a very long period, culminating in the family's house being burned down and one of the adult members of the family ending up in prison. These elderly ladies now find that after the house is refurbished, one of the younger generation of the family will be allowed to assume the tenancy. They are extremely nervous that continued antisocial behaviour will lead to their having to start keeping diaries all over again. They cannot understand why a family who behaved so badly have been able to resume their tenancy in a new house that has been paid for by the taxpayer, with no guarantee of any peace of mind for their neighbours.

I want to see more police powers and more flexible police powers, so that when young people cause trouble, particularly at night out in public, the police can return them not to their homes, as they do at the moment—to the great surprise of some parents, who cannot understand why their young children have been returned home—but to the police station, so that the parents will have to come and collect them. No doubt that will be of great inconvenience to some parents, who have no idea where their children are—and who care even less—because they do not supervise them. That will at least give the police an opportunity to discuss the children's behaviour with the parents in an attempt to modify that behaviour. There is also the opportunity for curfew orders and the confiscation of mobile phones. There is a whole flexible range of additional powers for the police to use to try to overcome this scourge in our neighbourhoods.

For the few minutes that remain, I want to concentrate on what we would colloquially term families from hell—those in which every member behaves in a socially unacceptable way and makes it impossible for anyone living in the vicinity to enjoy their lives, because of aggressive, intimidating and threatening behaviour. Such families often damage their own and other properties and they are unable to live in harmony with others, treating everybody else as a potential enemy. Of course, the children learn this behaviour from the adults around them.

Strangely, these problem families are in their own comfort zone because everyone else around is scared of them. They are in control of their area and they can make other people's lives a misery without hindrance. The younger members, in particular, often belong to a gang and run around at night causing mayhem. However, having to move somewhere strange where they are not known by others—this is particularly true of the teenagers, who may suddenly be separated from their gang—is the last thing that such people want. Without the local reputation that they have built up, they might become the victim of the sort of intimidation that they have enjoyed meting out to others.

Although the situation is much more difficult in private property, the threat of eviction from public property much sooner in the proceedings—such proceedings can often take as long as a couple of years—could have a much more salutary effect than issuing ASBOs, which are often treated as a badge of honour and breached again and again with impunity. People should know that their antisocial behaviour could affect the security of their tenancy, in the same way that points affect a driving licence. Their victims might be encouraged to come forward with evidence if they thought that that would be effective, and that would enable the local authority and the police to build up sufficient evidence to take matters to court.

In short, several improvements could be attempted to address this problem: strengthening tenancy agreements by accumulating sanctions, with earlier eviction as a tool for moderating behaviour; better education and training in prisons, so that people who serve a custodial sentence have an opportunity to be productive and to find employment when they come out; more discretion for police officers and more flexible working hours for PCSOs; and clear consequences for troublemakers to deter them from going on to commit more serious crimes. The decent, law-abiding majority should be protected, and these simple measures could help to act as a deterrent to those who blight our neighbourhoods with antisocial behaviour.

9.34 pm

Andrew Rosindell (Romford) (Con): This has been a lively and worthwhile debate. We have heard compelling arguments from hon. Members on both sides of the House about the Government's failure to live up to their

[Andrew Rosindell]

promise to curb antisocial behaviour on our streets. I would particularly like to commend the comments made by my hon. Friend the Member for Hornchurch (James Brokenshire), who has done an enormous amount of work on this problem, as the Government have clearly failed to do. My hon. Friend the Member for Upminster (Angela Watkinson) has also spoken, and both are Members of Parliament in the same borough as me.

Labour's top-down, target-centric approach to fighting crime has quite obviously failed to deliver. It is a fact that 10,000 incidents of antisocial behaviour are reported every day, and almost one fifth of the population believe that there are high levels of antisocial behaviour in their community. Antisocial behaviour blights the lives of ordinary, everyday people who are trying to go about their lives, commuting to work, going out with their friends and walking to the shops. They cannot go about their daily business without being hindered by fear and having to look over their shoulder at every corner. The tragic case of Fiona Pilkington and her daughter highlighted the lengths to which people can be driven when they are on the receiving end of this horrific behaviour.

Shockingly, levels of violent crime have increased by almost 70 per cent. in the past 10 years. That is an appalling record for the Government, who have failed to fight crime and antisocial behaviour effectively. Even the Home Secretary has admitted that the Government have been resting on their laurels rather than effectively fighting antisocial behaviour. The right hon. Member for Don Valley (Caroline Flint) said that she felt the Government might be losing ground, and that they should not be complacent. Clearly, there are fears on both sides of the House that that might be happening. My hon. Friend the Member for Bosworth (David Tredinnick) referred movingly to Fiona Pilkington. How many more people like her, who live in fear and who are afraid to leave their homes because of threats of violence and abuse, will there be? That is another example of a family that was appallingly let down by Government failure.

I agree with much of what my colleagues have said this evening, particularly my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara), and my hon. Friend the Member for Woking (Mr. Malins), who spoke about the need for discipline in schools and the need to deal with truancy. He also said that literacy was a factor in this situation.

A major catalyst for antisocial behaviour is substance abuse, as we all know. The United Kingdom has the highest level of problem drug use in Europe. This Government have allowed a dangerous and toxic youth drinking culture to develop, spurred on by 24-hour licensing and cheap drink deals. As my hon. Friend the Member for Braintree (Mr. Newmark) pointed out, drunken yobs have made our town centres no-go areas, deterring the many people who want to enjoy a quiet night out in town rather than drink themselves into oblivion. Binge-drinking-fuelled antisocial behaviour is a very real problem, and it is out of control.

Let us take as an example Moston lane in Manchester. On that one street alone, there are 22 premises that are licensed to sell alcohol. In Sheffield, a student was recently caught urinating on a war memorial after drinking himself into a paralytic state. Five years ago, while serving as Home Secretary, the right hon. Member for Norwich, South (Mr. Clarke) vowed to "eliminate" antisocial behaviour by the time of the next election. He has not delivered on that promise, and neither have any of his successors. This complacent attitude cannot be allowed to continue.

We cannot tackle crime unless we also address the causes of crime: family breakdown, drug abuse and binge drinking. We need an extensive review of how to tackle the blight of antisocial behaviour. Measures that work should remain in place and those that do not should simply be scrapped. A poll by the Centre for Social Justice found that more than 75 per cent. of people think that the police are not intervening enough against antisocial behaviour. I believe that that was borne out by the comments of the hon. Member for Mitcham and Morden (Siobhain McDonagh), who had so many concerns that one would have thought that she was referring to a Conservative Government—but of course it is her own Government who have failed on so much of this, and they will pay the price next year.

The police have been suffocated by red tape and now spend more time at their desks doing paperwork than they do pounding the streets. We will cut police bureaucracy and give them greater powers so that they can respond more easily and more quickly to stop youths who are disturbing our communities. Fewer police sitting at their desks means more police on the streets—and there is no substitute for that. As the hon. Member for Wyre Forest (Dr. Taylor) made very clear, we need to put the police back in control to be more effective, and I agree.

We will enable the police to remove young offenders from the streets altogether and to propose the introduction of street curfews and the confiscation of possessions as a deterrent against future bad behaviour. If the police believe someone is carrying a concealed weapon, they will be able to search them more easily—without a plethora of paperwork. These would all constitute real and effective measures that would enable the police to enact targeted interventions, which would have a significant impact on stopping those who indulge in antisocial behaviour before their behaviour develops into something far more sinister.

As you will know, Mr. Speaker, as shadow Home Affairs Minister with specific responsibility for animal welfare, I take particular interest in the use and abuse of animals as tools for the purpose of antisocial behaviour. Nowhere does this horrific concept resonate more strongly than in respect of dangerous dogs. In recent years, the breeding of dogs to scare, intimidate and, in the worst cases, attack others has become a significant and dangerous problem for many inner-city communities and wider urban areas across the country. Irresponsible youths and gang members with antisocial agendas are breeding and training dogs to be overly aggressive and destructive in order to provide themselves with a form of "protection" or, more specifically, "street status". In reality, they are breeding a living, breathing offensive weapon.

The number of complaints received by the Royal Society for the Prevention of Cruelty to Animals about status and dangerous dogs saw a twelvefold increase between 2004 and 2008. Over that same period, admissions to NHS hospitals for dog-inflicted wounds soared by 43 per cent. It is no exaggeration to say that what we are seeing is an emerging epidemic. It is crucial that we take

into account the criminal implications, while maintaining the best interests of animal welfare at heart.

The Dangerous Dogs Act 1991 prohibits the breeding, sale and ownership of certain breeds of dog. The number of prosecutions brought under this Act has more than doubled over the past decade. However, as the dramatic rise in the number of incidents shows, this legislation has failed rationally to address the problem. This ineffective legislation has also manifested itself most cruelly with cases of innocent family pets being confiscated and destroyed by the police force. It has become all too familiar under this Government that a responsible majority gets penalised by a highly irresponsible and antisocial minority. That is why we pledge to repeal the Dangerous Dogs Act 1991 and replace it with a dog control Act, containing provisions and requirements with a much stronger emphasis on owner responsibility.

Crime and antisocial behaviour have defined the downward spiral of this Government's 12-year legacy. Broken promises have led to a broken society. Labour's web of failure has now entangled more than just man: man's best friend is also suffering owing to ignorance and a reluctance to review the legislation. Public safety is of paramount importance, and today's problems will be tackled effectively only through properly thought out legislation and adequate support for those who enforce it.

9.45 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): This has been a useful and wide-ranging debate, and it was enriched by Members' constituency experiences. I hope that they were not experiences such as the case of Fiona Pilkington—the hon. Member for Bosworth (David Tredinnick) mentioned that—although such experiences do remind us of what can happen in extreme cases, when agencies that people rely upon let them down. It has also largely been a realistic debate—although not entirely, I have to say. There have been no references to "The Wire", a television programme that was the blueprint for Opposition policy at one time, and there were only three references in almost five hours to "broken Britain", one of which was in the last five minutes. Such references are an insult to the police, local councils, the Churches, the voluntary organisations and, most of all, the residents who are working hard throughout the country to make their communities safer and better.

The reality is that crime is down by 36 per cent. in 12 years. If—this is an enormous "if" as it will not happen—the Government happened to change in the next few months, we would be the first Government since the war to leave office with crime lower than when we took office. That is the reality of the situation, whatever the rhetoric from those on the Opposition Benches.

I shall address Members' comments in themes, rather than go through each speech. The first theme, which emerged from a number of speeches, was that antisocial behaviour is above all a local matter and that tackling it requires local action. It is a matter not just for the police or the council, but for the whole range of local agencies and partnerships working with local people in local communities. There are many examples of good practice throughout the country. Because somebody somewhere will know how to make the powers that are available work, one of the Home Office's jobs is to make sure that the powers are used by people who know how they work, supporting and challenging local partnerships.

The second theme is that tackling antisocial behaviour is important in every community and that everyone, regardless of where they come from or whether they are rich or poor, wants to be able to live in their community in safety and with a fulfilling life. Unfortunately, that is not the case everywhere, particularly in communities where offenders prey on the poorest and most powerless. My right hon. Friend the Member for Salford (Hazel Blears) reminded us of the need for the twin-track approach of enforcement and prevention—to use that well-worn phrase yet again, of being tough on crime, tough on the causes of crime, a prescription that even the hon. Member for Romford (Andrew Rosindell) has come to get.

Through using the full range of available powers and enforcement and prevention, we have got crime down by 36 per cent. in 12 years. What we need is a clear enforcement message and clear punishment. The hon. Member for West Chelmsford (Mr. Burns) is not present, but not for the first time, I agree with him in this regard. Having a strong enforcement message allows us to have the next conversation, which is about all the things we need to do to prevent antisocial behaviour. That means that we can talk seriously about the proposals put forward by the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) on short prison sentences; that was picked up by the hon. Members for Woking (Mr. Malins) and for Upminster (Angela Watkinson). Having that conversation is possible only when communities know that a strong enforcement message is going out as well, holding people responsible if they break the law.

A message that came through particularly strongly from Labour Members was the need for proper resources. That was picked up by my right hon. Friend the Member for Don Valley (Caroline Flint). The Opposition were given the opportunity on a number of occasions to make commitments on resources, and everyone will have noticed that they ducked the issue.

We have an historic number of police officers: 16,000 police community support officers and 36,000 police officers in 3,600 neighbourhood policing teams spending 80 per cent. of their time on their patch. Let us have none of the nonsense about police being hindered by bureaucracy and unable to leave their police stations. To carry on repeating that message is to deny the very good work being done in neighbourhoods up and down this country.

The hon. Member for Hornchurch (James Brokenshire) is behind the game, talking, as he did, about the target culture. As the Minister for Policing, Crime and Counter-Terrorism reminded him, there is only one measure: the single confidence measure. As my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) pointed out, the confidence target's purpose is to make the police and others accountable to the public in all that they do, not least through the policing pledge, so that they face the public whom they serve.

The police have the powers available at their disposal, including antisocial behaviour orders, and, as has been acknowledged, the evidence from the National Audit Office is that where these powers are used, they work.

[Mr. Alan Campbell]

[Interruption.] The hon. Member for Hornchurch chunters from a sedentary position, and he has said, "Never mind ASBOs, what about a warning letter?" *[Interruption.]* I am delighted that that is what the NAO said, because I do not care what we use as long as it works. The message from the NAO is that if we intervene once—be it a warning letter or an ASBO—it changes behaviour in two thirds of the cases; by the time of a third intervention, it changes behaviour in 93 per cent. of cases. Both the police and local authorities must be prepared to use the powers and then, if they are not being effective, to escalate things—that is how to get effective action in local areas.

The focus has understandably been on young people and, in particular, on the need to divert them away from trouble, whether they are the offenders or, as in many cases of antisocial behaviour, the victims of that behaviour. People seem to forget that half the ASBOs given out do not go to youngsters; they go to adults. We need to be realistic about the involvement of young people in the criminal justice system too. I do not think that the hon. Member for Eastleigh (Chris Huhne) was realistic in that regard. The reality is that fewer young people are coming into contact with that system, and that is a good thing. When they do come into contact with it, fewer young people then go on to reoffend, and that is a good thing. We should all be united—I hope that we are—in our view that young people, by and large, are law-abiding, decent and upstanding citizens in their local communities. We must ensure that the small minority who cause the problems feel the full force of the law and the powers that are available. I am determined that that is what will happen, but I am not sure that that determination is shared by those in every part of this House.

Young people spend most of their day in school—or they should do. My hon. Friend the Member for Mitcham and Morden spoke of the importance of good links between schools and the local police. That is why, as the Prime Minister has said, we want to see more safer school partnerships; I wish that we did not need after-school patrols, but if we need them, we should have more of them. It is also why we should be building on schemes such as Sure Start, not cutting them.

The hon. Member for Eastleigh mentioned the importance of sport—I agree about that—but he did not acknowledge the huge investment that this Government have put into school sport, school music and play areas in our local communities. He did not acknowledge it, but Lib Dem councillors up and down the country are, almost weekly, going around taking credit for the investment that is going into their local communities.

Much has been made of supporting families, and that is crucial if we are to win this struggle against antisocial behaviour. We need to make sure not only that parents are more responsible, but that they have the support they need to turn the corner for their family. That is why we are extending family intervention projects, which have been supported very strongly by my right hon. Friend the Member for Salford and others. They are expensive, but they are not as expensive as doing nothing. If we take a short-term sticking plaster approach, it will ultimately cost us more in the long run.

We also need to send a strong message with tough sanctions—we need tough love. It is not a choice to sign up to family intervention projects, but a responsibility that people have to do everything they can, with support, to turn their family around. The hon. Member for Hornchurch talked about poverty and educational underachievement, and I agree with him, but I do not think it is as simple as saying that if it was not for family breakdown none of these problems of poverty or educational underachievement would exist. The reality is that the causes of crime are extremely complex and they give us, as politicians, tough choices. Do we continue to invest in Sure Start, do we invest in family intervention projects or do we cut inheritance tax for the richest 3,000 in the country?

A lot has been said, as is often the case on these occasions, about providing good local facilities, particularly for young people. The Government have put money into providing activities on Friday and Saturday nights, when—surprise, surprise—a lot of antisocial behaviour happens. In 81 areas, there were 5,000 projects. It is up to local authorities and others to step up to the mark and to ensure that they are doing everything they can to make sure that those facilities and activities are available. I hope that when local councils look at their budgets and look to make cuts—youth facilities are often easy targets—and are scrambling to get 0 per cent. council tax increases next April, every Member of this House who wants youth facilities will be out there arguing for them in their area.

My hon. Friend the Member for Pudsey (Mr. Truswell), who is no longer in his place, asked about the confiscation of assets—a key part of tackling offenders in our community. The direct answer to his question is that half the money taken in assets seized goes to the Home Office and makes up the Home Office budget that goes into front-line services. The rest is shared between agencies. He mentioned, as did others, community cashback, which ensures that money goes into local schemes and under which £4 million has gone into local projects, voted for by local people. Residents can see that justice is being done because they can see that crime does not pay.

I agree with the hon. Member for Eastleigh that we have to take a holistic approach. We have to ensure that the money, commitment and resources that go into local areas are all applied to the problems in those local areas. I commend to him the Total Place pilots that are running up and down the country to ensure that we are getting the most that we can out of our investment of money from Departments and agencies. That is crucial in these difficult economic times.

In conclusion, antisocial behaviour is an issue for every community. People have a right to live in safety, peace and security. We need a realistic assessment of where we are and of the progress that has been made. It is important to acknowledge and build on that progress. My right hon. Friend the Member for Salford said that antisocial behaviour and harassment happen less often than they did. I agree with her, but they still happen more often than they should.

Question put and agreed to.

Resolved,

That this House has considered the matter of tackling anti-social behaviour.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

COMPANIES

That the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2009 (S.I., 2009, No. 2615), dated 25 September 2009, a copy of which was laid before this House on 30 September, be approved.—*(Mark Tami.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009, which were laid before this House on 12 October, be approved.—*(Mark Tami.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PREVENTION OF NUCLEAR PROLIFERATION

That the Financial Restrictions (Iran) Order 2009 (S.I., 2009, No. 2725), date 9 October 2009, a copy of which was laid before this House on 12 October, be approved.—*(Mark Tami.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made, and Question proposed,

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be there added.—*(Mark Tami.)*

9.59 pm

Mr. David Heath (Somerton and Frome) (LD): This motion is debatable if moved before 10 o'clock, so it would be entirely wrong for the House simply to rubber-stamp a decision of this magnitude on the membership of the West Midlands Regional Select Committee, without having a full and proper debate on the matter. I note that we have almost a minute in which we can find perhaps arguments on either side about whether the hon. Member for Burton (Mrs. Dean) should replace the Under-Secretary of State for Energy and Climate Change, the hon. Member for Stafford (Mr. Kidney), as the motion suggests.

10 pm

Debate adjourned (Standing Order No. 9(3))

Debate to be resumed tomorrow.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made, and Question (29 October) again proposed,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mark Tami.)*

Hon. Members: Object.

COMMITTEES

CHILDREN, SCHOOLS AND FAMILIES

Ordered,

That Mr Andy Slaughter be discharged from the Children, Schools and Families Committee and Ms Karen Buck be added.—*(Mr. McAvoy, on behalf of the Committee of Selection.)*

COMMUNITIES AND LOCAL GOVERNMENT

Ordered,

That Emily Thornberry be discharged from the Communities and Local Government Committee and Mr Andy Slaughter be added.—*(Mr. McAvoy, on behalf of the Committee of Selection.)*

Supermarkets and Regional Farming

Motion made, and Question proposed, That this House do now adjourn.—*(Mark Tami.)*

10.1 pm

Mr. Lindsay Hoyle (Chorley) (Lab): Thank you, Mr. Speaker, for allowing this debate to take place. It is an important debate; it is a debate about the power of a supermarket and the future of farming in the United Kingdom. I am sure that the importance of the subject is agreed by nearly all parties in the House, and we should certainly be able to ensure a fair debate. I hope that we can get the points across. The Minister is in his place, ready to answer, and I am sure that we will hear some positive comments coming back.

Of course, as we know, farming has been under the cosh. It went through foot and mouth disease and bluetongue. Indeed, farming in the UK has been through all sorts of other problems. Of course, farming has overcome whatever has been thrown at it— farming struggles on and has kept going. However, there remains a persistent problem that severely limits the ability to maintain a viable farming business: the power of the supermarkets. With constant pressure to reduce prices, farmers are often unable to make profits. The way to address the issue for the benefit of farmers and consumers alike is for the Government to follow the advice of the Competition Commission and introduce a watchdog to oversee supermarkets and to implement a local sourcing policy for the larger chains.

With regard to the mounting pressure for an ombudsman—one was supposed to be appointed in August this year, following consultation—the Competition Commission failed to secure voluntary agreement between retailers. I really do think that that was a let-down. Unfortunately, a great opportunity to show a real will began to fall through. The commission's chairman, Peter Freeman, who headed up the groceries inquiry, said that smaller chains had recognised the problem; but, regrettably, the majority of them had not. That is a sad indictment, when someone has worked so hard to try to achieve an understanding to work together. Of course, the introduction of an ombudsman to police the way that supermarket supply chains operate is called for and supported by the National Farmers Union, the Campaign to Protect Rural England and Friends of the Earth, just to name a few who believe that that is the right way forward. *[Interruption.]* As my hon. Friend the Member for North-West Leicestershire (David Taylor) says from a sedentary position, there are others who will express such support.

To highlight the dominance of the supermarkets, I should mention that £1 in every £8 in the UK is spent at Tesco's. That proves how successful Tesco is; it shows that it is a great British company, with a great ability to get customers through its shops. No one can argue with that. However, the strength and the success of Tesco has allowed it to dominate the market, and it has the power to drive down prices. Because Tesco has such a dominant position and is so powerful, it ought to use that power not to drive down prices, but to ensure that a fair farm-gate price is paid to farmers in the UK. We should stand by our farmers.

We all know that farmers are vulnerable to market conditions, and that supermarkets are placed to exploit that vulnerability. Farmers always risk being driven out of business, as we have seen in the dairy industry, which has been decimated by prices being driven further and further down. The average net income of dairy farmers in Lancashire in 2002 was £32,700. By 2006 that had fallen to £13,300—less than half. I know the Minister will say that it has now gone up, and rightly so, because that level was not sustainable. The problem is that when net income fell so dramatically, we saw a wave of family dairy businesses going out of existence, never to return.

That is the issue. If we are not careful, we will not have young people coming into farming. Farming will not have a future. We have to make sure that farming is attractive and that it has a future. We must stand up for the farmers and ensure that farming in the UK will continue. We must make sure that the UK is not totally dependent on foreign imports of everyday items such as milk. That would be good for UK farming and industry. The same applies to arable farmers, beef producers, the pig industry and poultry farmers. All those foodstuffs could be produced in the UK and must be protected.

Mr. David Crausby (Bolton, North-East) (Lab): Does my hon. Friend agree that local supermarkets would be best advised to sell local products, not just from farmers but from local producers, and not just from the point of view of their own profits, but in order to ensure that goods are not transported halfway across the world, damaging the environment? We should support local farmers and producers, and protect the environment.

Mr. Hoyle: I could not agree more. My hon. Friend is right. The aim must be sustainable farming and reducing food miles. If we are serious about climate change and the future of farming, we must follow that local policy and ensure that farmers have a local market. Let us stop the food miles. Let us make sure that sustainable farming is here to stay in the UK, and more importantly, let us ensure security of supply so that this country can feed itself in its hour of need.

David Taylor (North-West Leicestershire) (Lab/Co-op): Can we not see a good example just 33 kilometres away south across la Manche? In France, the big supermarkets, such as Leclerc, Géant, Casino and Carrefour, are very good at developing links with their local farming community and frequently promote regional produce and allocate part of their space within the store for that. Could we not do that in the UK?

Mr. Hoyle: Of course. My hon. Friend is right. Although I would not stand up for the French farmers, they are to be envied for the way that they support each other. Carrefour, one of the biggest supermarkets in the world, ensures that its chain carries locally produced regional produce.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): May I tell my hon. Friend about my local pig farmers, Brenda Mitchell and her husband John? They have been going round the supermarkets, looking at the sale of produce there and making sure that British produce is labelled as such. They have set up their own business and are doing extremely well. They have taken the supermarkets on. That is a good example of a local farmer who has challenged the system.

Mr. Hoyle: The Member for Heywood and Middleton, my good friend, is absolutely spot on. The issue is about challenging supermarkets and ensuring that we have quality produce on the shelves; and, yes, may we continue to do that.

Research has shown that consumers want to buy local produce. They want to ensure that there is local business and a local economy, and that is still true in the current economic downturn.

Christopher Fraser (South-West Norfolk) (Con): The hon. Gentleman has a great passion for this subject. Does he agree that, if a local supermarket uses the word "local" and truly wants to do some good, it has an obligation to put something back into the community where the goods were produced?

Mr. Hoyle: I could not disagree more. That is absolutely correct. If we are going to use—

Christopher Fraser: Does the hon. Gentleman agree?

Mr. Hoyle: I absolutely agree with the hon. Gentleman. There are no two ways about it: the issue is about the word "local", and ensuring that it means local and guarantees sustainability in that community. It is about ensuring that local farmers and producers are protected and have a market on their doorstep, and about pricking the conscience of supermarkets. That is what all my hon. Friends who are present are saying tonight: it is about supermarkets having a conscience.

The issue is important, because in 2008 the local products sold in Tesco accounted for 2.2 per cent. of UK sales, compared with 1.7 per cent. in the previous year. That is a 30 per cent. increase in sales when compared with 2007. The trend is continuing, and there is a market for local produce. Even Teseo recognises that, and everybody else does, too. That is why the issue is so important, and we have got to ensure that people understand it.

In my constituency, we are lucky, because we have Booths, a regional supermarket chain that challenges the main supermarket players. It procures 80 per cent. of its meat from local producers, and it focuses on ensuring that its fish, bread and beer come from local ports, bakeries and breweries. It works hard to engage with the communities with which it trades, and as a result it has developed own-label product ranges in partnership with local suppliers and producers. That arrangement is good for farmers, communities and consumers, who can choose to buy locally sourced food that is celebrated and diverse. What more can we ask for? Booths has set the standard; that is the bar that we expect all the major chains to reach; and that is where we must try to drive the supermarkets. Booths is good for our area and a good employer, and we must listen to it and try to do what it does.

We must ensure that we maintain local protection for our farmers. I am quite happy to say that we should protect our farmers; I have no qualms about that. It was suggested earlier that the French would think of nothing else, so we ought to ensure that we do as they do. The issue is about being fair and ensuring that we do so much more. Morrisons has a local policy to buy British meat—UK farm produce. That is good, but I should like to take Morrisons a little further down that road and say, "We welcome your buying policy for UK produce, but try to buy local for your local supermarkets, rather than shipping food up and down the country."

Christopher Fraser: On that point, the farm-gate price that Waitrose pays for milk is at least 2p to 3p more than that of other supermarkets, so if some can do it, others can join them.

Mr. Hoyle: Absolutely. That is what the issue is about: paying a farm-gate price to ensure that farmers exist in the long term, and do not keel over in the short term. That is why the ombudsman, as recommended by the Competition Commission, will be responsible for investigating complaints that are levelled at grocery retailers under the recently drawn-up grocery supply code of practice. The ombudsman will arbitrate on disputes involving UK farmers who feel that they are not getting a fair deal from the supermarkets for their produce.

This is also about the breakdown of the relationship between suppliers and supermarkets, because that provides no benefit to anyone. The suppliers are being forced to operate on ever-reducing profits, and the supermarkets risk pricing themselves out of achieving the aims of the local sourcing programmes that chains such as Tesco and ASDA now have in place. I welcome those programmes, but the supermarkets must not keep pushing the price down when they want to sell local produce. The ombudsman would ensure that the relations were formally maintained, with a positive outcome. We need a genuine agreement between supermarkets and producers that benefits our farming community and ensures that consumers will still benefit from competitive prices.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend is making an excellent case. One of the interesting things is how split the supermarkets are. A number of them are willing to accept the ombudsman. However, the big supermarkets—principally Tesco and Sainsbury's—will not. We need to do something about that.

Mr. Hoyle: My hon. Friend is absolutely correct. It is the main, big supermarkets that have not signed up. If they were to do so, a lot of the problems would stop. That is why it is important that we ensure that they get it right.

Another example from Chorley that would make significant headway in achieving a local sourcing policy is the idea of tackling the expanding supermarkets before applications are granted. We could do a little more on that issue. In our case, there is a new application from ASDA, creating 400 jobs. Those jobs are welcome. ASDA trades on the outskirts of Chorley, but it wants to come right into the town centre. The 400 jobs are welcome, but what will be the consequence of the supermarket's arrival in the centre? I want it to be part of the community and support it. It should ensure that it has a local buying policy that would be sustainable for our local farmers. That could be part of the key to ASDA's commitment to the town.

If ASDA offers three hours' parking at its supermarket, could it not help subsidise the parking around the market? It will be competing with the other shops—the small, independent retailers. We have to give a bit of support. I want supermarkets such as ASDA and Tesco

[Mr. Hoyle]

to be part of our community. They could do so much more. We do not want to stop ASDA—far from it. We want it to engage in supporting Chorley; we want it to be part of the town and play its part.

It would be nice to hear from the chief executive of ASDA. He rightly says what a great store ASDA is, and I am not going to knock that. However, I would like him to come along and say what his company is going to do for Chorley to help it become a more vibrant town. Chorley is a market town, of which I am proud. I was born and brought up there. I do not want to get ASDA out, but I want to get ASDA to be part of Chorley, like me. That is where the future lies. I am sure that the Minister will be able to consider the issue and see what we can do.

We can build on that. This is about the future. As we said, the competition is so important. We should ensure that there is competition, but it should be fair competition for all. The issue is about sustainability, security of supply and supporting the farming industry. Farming has enough on its plate: we need to sort out the badger problem in other areas and we must ensure that the nitrates issue is sorted out as well. All these pressures are being exerted on farmers.

My last point to the Minister is about the forms. Why do farmers have to fill in form after form? Why do we not let them get on with what they do best—farming? We could avoid the duplication for different Departments. Let us streamline it all, so that there is one form, instead of the multiple forms, for all the Departments. The bottom line is that if farmers are filling forms, that stops them in making money. In the UK we have good pig, beef and dairy industries. We have upland and lowland sheep farmers. We have to protect the future, including that of our chicken and egg industries. I look to the Government to be on the side of farmers and not against them. I look forward to what the Minister has to say.

10.19 pm

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): I congratulate my hon. Friend the Member for Chorley (Mr. Hoyle), as well as his supporters on both sides of the House, on securing this debate and on the manner in which he made his remarks. I listened closely to the points that he made, and I will try to respond to him over the next few minutes. If I am unable to do so or if I miss any of his concerns, I will of course write to him.

I congratulate the farming industry on its progress as a successful and vibrant industry that produces the raw materials that we need to enjoy a wide range of delicious and nutritious food. Lancashire of course has its fair share of excellent food and drink products, including traditional Lancashire cheese, which was one of the first UK foods to take advantage of the European Union protected food name scheme. In August, I had the pleasure of helping to host an event at No. 10 to promote the scheme and to encourage more of our quality regional food producers to take advantage of it. There has been interest in the scheme from other food and drink producers in the county, and from the Department for Environment, Food and Rural Affairs officials stand ready to provide guidance as appropriate. I hope that my hon. Friend will communicate that offer to his local producers.

Mr. Hoyle: My hon. Friend says that we have many good things in Lancashire, particularly Lancashire cheese. If he will come up to Chorley and visit Pat's cheese stall on Chorley market and Mr. Brown the butcher, he will realise the quality of local produce.

Jim Fitzpatrick: I am grateful for my hon. Friend's kind invitation. I would be happy to take advantage of it if I get the chance to do so before the general election.

The Government recognise that the marketing of regional and local food can bring benefits for producers and consumers. There are fewer middlemen, and that means farmers and small producers are able to retain a higher proportion of the end price for their produce. Local food chains increase consumer choice and raise awareness of and interest in local food by helping to improve consumers' links with and understanding of the rural economy and food production. Suppliers will flourish by providing what customers want, and there is growing public enthusiasm for locally produced food, especially food with a clear regional provenance. Consumers prefer to buy local if they can, and supermarkets are supporting that. Although I would not want to comment on Asda's recent planning application to open a new store in Chorley town centre, as mentioned by my hon. Friend, its early support of the Plumgarths regional food hub is an example of the retailer's interest in local food. As he and other hon. Friends said, that should be supported.

Research suggests that UK locally sourced food retail sales will total £6.2 billion by 2013, up from £4.7 billion in 2008—a growth of some 31 per cent. over that brief period. In recognition of this, we have provided a range of assistance to local food chains, including helping regional and local food producers to overcome various barriers to market. We have funded meet-the-buyer events for retailers and the food service sector. We also support farmers markets and farm shops and encourage the use of food hubs and shared distribution facilities.

We recognise, however, that there has been mounting concern over recent years among various industry and lobby groups about the power of major supermarkets, as described by my hon. Friend, and the impact that this has had, including on the ability of local producers to access markets. The Government and the Office of Fair Trading shared these concerns and so asked the Competition Commission to investigate the groceries market to see whether supermarket power was indeed detrimental to consumer interests. The Government are committed to fostering competitive markets that work in the best interests of consumers, including in the groceries market. By looking for ways to help make markets work better, we can enable businesses to compete freely and fairly, giving UK consumers more choice and better value.

We therefore welcomed the commission's final report, published last year, and thank it for its work to implement its findings. The commission found that in many respects competition between supermarkets was strong and working effectively. Competition in the groceries market provides consumers with diverse choice, good value and low prices, which is reflected in the numbers of shoppers who choose to buy their groceries in supermarkets.

Mr. Hoyle: The Minister says that this is about ensuring fair competition. I think that competition failed in respect of the price that was being paid to farmers for milk. As one supermarket altered it, another followed, so the price went up for the consumer while the price being paid to the farmer went down. That acted against not only the farmer but the person shopping in supermarkets.

Jim Fitzpatrick: My hon. Friend makes a fair point. The hon. Member for South-West Norfolk (Christopher Fraser), who is no longer in his place, mentioned the premier contracts that some dairies have with farmers. I discussed that matter with my hon. Friend the Member for North-West Leicestershire (David Taylor) and the Select Committee on Environment, Food and Rural Affairs only last week. It is producing a report on the failure of dairy farmers in Britain, which will draw on the lessons learned and help the industry to move forward.

The Competition Commission identified two adverse aspects of competition—areas in which the market structure does not work in the best interests of consumers. It identified areas where local groceries markets were dominated by single retail chains, restricting the choice available to shoppers. It also found that certain supermarket practices passed unacceptable risks or costs on to suppliers, mainly food manufacturers and processors, creating higher levels of uncertainty about their income and so limiting their ability to invest and innovate.

The commission proposed a number of remedies and recommendations to address the adverse effects on competition identified. They include a new groceries supply code of practice for all supermarkets with a turnover of more than £1 billion a year. The GSCOP will come into force next February, and the OFT will play an important role in overseeing its implementation. Additionally, the commission recommended that the Government establish an ombudsman, which my hon. Friend the Member for Chorley and our other hon. Friends who support him mentioned. Its duty would be to monitor the GSCOP and arbitrate disputes between suppliers. It was also recommended that a competition test be added to the planning rules regarding the location of new supermarkets. That was a request that my hon. Friend made in his closing comments.

The Government are considering those recommendations carefully. Competition policy is a matter for the Department for Business, Innovation and Skills, but DEFRA too will play an active role in determining the Government's response to the proposal to create an ombudsman, and we want to take full account of the views of stakeholders.

Mr. Drew: By chance, I have a meeting with one of the BIS team tomorrow. Can I be assured that when I say to him that DEFRA is on board with the recommendation for an ombudsman, I am speaking from the correct record?

Jim Fitzpatrick: My hon. Friend tempts me to comment on a matter that is under collective Government discussion. I am sure that he is aware of the position in respect of the ombudsman, and we hope to bring forward a conclusion shortly.

I should like to comment on the relationship between retailers and farmers. The GSCOP will be for companies that supply directly to retailers. Most fresh produce is supplied to retailers through intermediaries such as packers, processors and fresh food wholesalers rather than by farmers. The Competition Commission found that the combined total value of direct purchases from farmers by six large grocery retailers amounted to less than 2 per cent. of the total value of agricultural production.

Although most farmers will be outside the direct scope of the GSCOP, the limited value of direct purchases by grocery retailers from farmers understates the closeness of the trading relationship between primary producers and grocery retailers. Farmers may be members of, or shareholders in, intermediary businesses that market their produce to grocery retailers, so the GSCOP will provide them with some certainty.

Given the importance of food to the economy, the Government are working with regional development agencies and regional food groups to develop businesses and market their products, promote regional food and farming and create demand for local seasonal produce. Where consumers continue to want good, distinctive and nutritious local food, supermarkets and local shops will continue to be able to supply it.

My hon. Friend the Member for Chorley mentioned sustainable production. He will know that a raft of documents and consultations have been going through DEFRA recently, and "Food Matters", food security measures, the "Food 2030" programme and food miles could all be the subject of debates in their own right. I will write to him and update him with the latest on each of them, as well as on training, skills and colleges for the agricultural community and the progress that we are making on cutting regulation for the agricultural industry. I congratulate him and our other hon. Friends who have participated in this debate, and if I have missed out any of the issues that he raised, I will write to him as promised.

Question put and agreed to.

10.29 pm

House adjourned.

House of Commons

Tuesday 3 November 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

BEVERLEY FREEMEN BILL [*LORDS*]

Lords message (29 October) relating to the Bill considered.

Resolved,

That this House concurs with the Lords in their Resolution.—*(The Chairman of Ways and Means.)*

LONDON LOCAL AUTHORITIES BILL [*LORDS*]

Lords message (29 October) relating to the Bill considered.

Resolved,

That this House concurs with the Lords in their Resolution.—*(The Chairman of Ways and Means.)*

LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON (NO. 2) BILL [*LORDS*]

Lords message (29 October) relating to the Bill considered.

Resolved,

That this House concurs with the Lords in their Resolution.—*(The Chairman of Ways and Means.)*

TRANSPORT FOR LONDON (SUPPLEMENTAL TOLL PROVISIONS) BILL [*LORDS*]

Motion made,

That so much of the Lords Message [29 October] as relates to the Transport for London (Supplemental Toll Provisions) Bill [*Lords*] be now considered.—*(The Chairman of Ways and Means.)*

Hon. Members: Object.

To be considered on Tuesday 10 November.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

VAT Returns

1. **Gordon Banks** (Ochil and South Perthshire) (Lab): What estimate he has made of the average annual savings to Her Majesty's Revenue and Customs over the next three years arising from the introduction of paperless value added tax returns. [297048]

The Financial Secretary to the Treasury (Mr. Stephen Timms): Businesses turning over more than £100,000 per year, and all newly registering businesses, will be required to file online from 1 April. Savings of about £4 million a year are expected within three years as a result, but the main reason for the change is to make the service work better—fewer errors, faster turnarounds and an extra seven days before businesses have to pay the tax due.

Gordon Banks: I thank my right hon. Friend for his answer—and, indeed, my hon. Friend the Member for Vale of Clwyd (Chris Ruane) for lending me his pen earlier. Has my right hon. Friend considered the impact that the changes could have on some small businesses that reach the £100,000 threshold, but for which a paperless VAT return might not bring a saving, but a cost, especially in these hard economic times?

Mr. Timms: Yes, we have been thinking about that. We have consulted and will announce our conclusions shortly. However, we have provided quite substantial financial help to businesses signing up to online filing—£900 million in total before the scheme closed earlier this year. I can reassure my hon. Friend that we will provide a detailed, step-by-step guide to registering for online services in the February letter that will set out the requirement to file online. The change will bring benefits to HMRC and to businesses as well.

Richard Ottaway (Croydon, South) (Con): Given that a survey by the Revenue showed that most businesses were totally unaware of the obligation, how did the Government get on with their target that at least half of businesses would be filing their returns electronically by March 2008?

Mr. Timms: We are making very good progress, and there will be—indeed, there already has been—a substantial campaign to inform businesses of their obligations. Over the next few months more efforts will be made to ensure that everybody is aware of them. Telephone support, for example, will be available to businesses that have queries, and help will also be provided through a programme of presentations and drop-in sessions. Most people will have to make their first online return next July, so we still have a number of months in which to advise businesses, and we are determined to get this right.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): Will the Minister assure us that he will devote enough management time and resources to this stage of reforms, so that we can avoid the utter chaos experienced by many of my constituents with more recent reforms? As a result of the latter, for many people it is taking months to get thousands of pounds of tax that is their due repaid.

Mr. Timms: Of course, one of the great strengths of filing online is that it speeds up the whole process—for exactly the reason that the hon. Gentleman set out. We have had very good experiences, for example, with online filing of self-assessment returns, and I am confident that those benefits will be repeated when businesses go online for VAT filing and other taxes.

Unemployment

2. **Derek Twigg** (Halton) (Lab): What steps he is taking to ensure that additional Government funding is provided for areas most affected by rising unemployment. [297049]

The Chief Secretary to the Treasury (Mr. Liam Byrne): Since the pre-Budget report, more than 3 million people have been moved off unemployment benefits. Across the country, a targeted effort has been made to assist those communities most hit by unemployment, including initiatives such as the working neighbourhoods fund, which is worth more than £1 billion, and the new £1 billion future jobs fund designed to create 150,000 jobs.

Derek Twigg: The campaign to end child poverty today released a report highlighting the impact of unemployment on children and families. What measures is my right hon. Friend taking to prevent unemployment from meaning poverty for children?

Mr. Byrne: As I am sure my hon. Friend would agree, the best route out of poverty remains the prospect of work, which is why we have been so determined over the past year to take combined action on monetary policy and fiscal policy, which together are now supporting about 500,000 jobs. However, in addition, we realise that some communities need targeted help, which is why the future jobs fund will seek to create more than 6,000 jobs in his region. On top of that, of course, is the important role of tax credits, which are now supporting 20 million people and helping the poorest families in this country to the tune of more than £4,500 a year.

Mr. Michael Fallon (Sevenoaks) (Con): Given rising unemployment, and the fact that this country has been in recession for longer than any of its major competitors, how can Ministers still claim that we were better prepared?

Mr. Byrne: The truth is that the recession is hitting different countries differently. If we look at the United States, the unemployment rate is 10 per cent; if we look at France, the unemployment rate is 10 per cent; and if we look at Germany and Japan, the fall in their respective gross domestic product is greater than ours. The fact that we have been able to put in place a fiscal stimulus worth 4 per cent. of GDP, as well as keeping interest rates low—together supporting up to 500,000 jobs—is in part because we went into this recession with the second lowest debt in the G7.

Chris Ruane (Vale of Clwyd) (Lab): I concur with my hon. Friend the Member for Halton (Derek Twigg) that Treasury resources should be targeted at specific areas. They should also be targeted at specific projects, such as the city strategy, the future jobs fund and the fit for work programme, all of which exist in my constituency, all of which are putting people back to work and all of which are under threat from that lot over there on the Tory Benches.

Mr. Byrne: My hon. Friend has put his finger on precisely the point. Over the course of this year, the Opposition have said consistently that we cannot afford a fiscal stimulus. That was repeated month on month, until the shadow Chancellor's recent speech, when he began to nuance their position. The truth is that without the support that we have put in place over the past year, the jobs that we are now supporting, such as the 150,000 jobs supported by the future jobs fund, would be in jeopardy.

Stewart Hosie (Dundee, East) (SNP): With the Government's fiscal stimulus ending, quantitative easing ceased, the VAT cut being reversed and departmental cuts already in the pipeline, there is deep concern that this removal of assistance from the economy will force unemployment even higher. Is this therefore not the time for the Government to make the earliest possible statement that they will permit a further year's reprofiling of capital expenditure, as the most effective way to protect and preserve jobs?

Mr. Byrne: None of the measures that the hon. Gentleman mentioned has been stopped. In the pre-Budget report and in the Budget, my right hon. Friend the Chancellor was clear when he said that the measures that we have put in place have to be targeted and have to last only as long as the problem exists. That is why it is quite right that as recovery returns to our economy, some measures should be retired. However, those that are still needed, such as measures to support jobs or businesses' cash flow, are set to continue. Also, as the hon. Gentleman knows, the Bank of England is still to reach a decision on quantitative easing.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Is my right hon. Friend aware that in west Yorkshire we are coming out of recession and doing very well, but that we still need some help from better investment in public sector jobs, to move them from the south and London up to Yorkshire?

Mr. Byrne: The Government have actually moved more jobs from London out into the regions than we set targets for, but that process needs to continue, and I am determined to see that it does.

Bingo Industry

3. **Philip Davies** (Shipley) (Con): If he will bring forward proposals to reduce the level of taxation applied to the bingo industry. [297050]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): We have had continued dialogue with the bingo industry, including before and since the Budget, on the impact of the tax regime. I last met the industry just three weeks ago, and that dialogue will continue. However, I am sure that the hon. Gentleman is aware that tax policy decisions are taken and announced in Budgets and pre-Budget reports.

Philip Davies: The Government have increased the taxation on bingo to 22 per cent., whereas tax on other forms of gambling is 15 per cent. Bingo plays an important part in local communities, but many clubs are shutting up and down the country. What have this Government got against bingo?

Sarah McCarthy-Fry: I can assure the hon. Gentleman that we value the bingo industry and recognise the important part that it plays in the community. I remind him that 22 per cent. is the average across the gambling industry, that the effective tax rate in 2003 was 35 per cent. and that, on the information that the bingo industry gave us before the Budget, the effective tax rate was 24 to 25 per cent.

Kelvin Hopkins (Luton, North) (Lab): I have raised this with my right hon. and hon. Friends on the Front Bench before, but is it not more sensible to tax the more dangerous forms of gambling more than the innocent forms, such as bingo?

Sarah McCarthy-Fry: I do not think that we are in the business of grading types of gambling. As I have said, we recognise the important part that bingo clubs play in the community, and all these things are taken into account when such decisions are made.

Mr. Greg Hands (Hammersmith and Fulham) (Con): When the Finance Bill went through, we were told that the overall tax burden on bingo would not rise. The industry disagreed, and indeed, a report from Ernst and Young that landed with the Minister last month concluded that the tax had actually gone up. When will she finally admit to the House that the Treasury got its sums wrong on bingo?

Sarah McCarthy-Fry: As I told the hon. Member for Shipley (Philip Davies), I met representatives of the Bingo Association just a few weeks ago, and we discussed the report from Ernst and Young. That report is still with officials, and it is being assessed. As I have said, these decisions are taken in the pre-Budget report and in the Budget, and the information on which we based the Budget decisions last year was based on figures that the Bingo Association gave us. If it is now giving us different figures, it makes sense that we should take our time to assess them.

Bank Liabilities

5. **Jim Cousins** (Newcastle upon Tyne, Central) (Lab): What the liabilities will be of the proposed (a) good and (b) bad banks to be formed from Northern Rock and Bradford & Bingley. [297052]

The Chancellor of the Exchequer (Mr. Alistair Darling): Northern Rock's total liabilities were published in its half-year results. The split between the two banks will be set out once the business plan is finalised. Bradford & Bingley's liabilities are published in its annual report.

Jim Cousins: I thank the Chancellor for that answer, but he will know that many thousands of home owners are likely to be left behind with the £50 billion to £60 billion in the old Northern Rock mortgage book. They are not well off, and they are not rubbish, as Opposition Members are so keen to say. What sort of future, and what sort of mortgage deal, will they have?

Mr. Darling: My hon. Friend raises an important point. The proposal is to split Northern Rock so that there is a new bank that will accept deposits and lend money for new mortgages. The majority of mortgages will remain in the Northern Rock asset management part of the branch. People who have mortgages with Northern Rock will be written to by the institution before this division happens. I am very anxious to ensure that people are treated in a similar way, no matter whether their mortgage is held by the Northern Rock bank or by the Northern Rock mortgage asset-holding company, and I have had discussions with the chief executive of Northern Rock so that we can ensure that that happens.

I should like to say two other things, if I may. One is that what is now happening demonstrates the wisdom of our intervening in the first place to save Northern Rock, to nationalise it and now to see it through to recovery. My second point is that, although some jobs were unfortunately lost, there are more than 3,500 people employed in Northern Rock. That is good-quality employment in a region that needs that employment.

Dr. Vincent Cable (Twickenham) (LD): Can the Chancellor explain what process is being put in place to ensure that Northern Rock's good assets, of which there are undoubtedly many, are not sold off cheaply to the private sector while its bad, toxic debts—including those that resulted from 125 per cent. mortgages—are left with the taxpayer?

Mr. Darling: Again, it might be helpful if I make the point that the mortgages that will be held by the Northern Rock mortgage asset company are not all what we might characterise as bad assets. There will be some—there is no doubt about that, given what happened at Northern Rock, especially towards the end—from which the company will not get its money back. However, the majority of the assets in that company are performing—that is, the people who have them are meeting their loans. In other words, they are perfectly good loans. The reason that we have divided Northern Rock up is that, otherwise, we would have had to put even more capital into it. What I am proposing means that we can sell off the Northern Rock bank—in the not-too-distant future, I hope, when it is right to do so—and get it back into the private sector. The other assets will need to be managed over a longer period of time. As conditions improve, however, I hope that many of those loans will come good again and we will be able to get our money back.

Dr. Cable: But what is the hurry? As I understand it, the European Commission has set no timeline for this process—unlike with the Royal Bank of Scotland. Our experience of other countries, such as Sweden, is that this problem could take 10 years to sort out, so why are the Government putting forward this proposal now? They run the risk of getting very bad value for money for the taxpayer in a premature sale.

Mr. Darling: I have said on many occasions in this Chamber and elsewhere that we are in no hurry to sell at all. Indeed, we will not sell these assets in relation to Northern Rock until the price that is offered is right and we can get our money back. It is also worth bearing in mind that, of the original £29 billion that was lent to Northern Rock, the amount outstanding is now £14 billion, so we are on the right track. We are in no hurry to sell at all. I recall having said that to the hon. Gentleman on at least two occasions at previous Question Times, and it is not entirely clear why he seems so reluctant to accept that assurance.

John McFall (West Dunbartonshire) (Lab/Co-op): Is it not the case that about 90 per cent. of the mortgages held by the Northern Rock management asset company, while having risky characteristics, could come good in the long term? That being the case, will the Chancellor take on board the issue of competition? We know that the British banking system suffers from too little competition. In the process of disposing of Northern Rock—at the Government's leisure—will he not rule out the possibility of the mutualisation of the company?

Mr. Darling: My right hon. Friend is right about the first point: payments are being met on the majority of these loans, and there is every reason to suppose that they will be redeemed, so they will not be a loss to the company. Inevitably, as I said to the hon. Member for Twickenham (Dr. Cable), there will be some cases where, because of what Northern Rock was up to towards the end when it was getting into difficulties, there may be continuing difficulties, but perhaps they can be managed out in time.

I shall return to my right hon. Friend's second point about competition when I shortly make my statement on banking reform. I want to see more competition on the high street for mortgages and for loans to small and medium-sized businesses, and I believe that Northern Rock will form an important part of that policy. We are not in an immediate hurry to sell, as I said, but I hope that the proposed split will take place sooner than would otherwise be the case—it might be several years.

On mutuality, I would like to see more diversity in the banking system. I have always wanted to support the building society sector. I would just say in relation to Northern Rock that we cannot put any more public money into it. It is just not possible—state aid rules would preclude it—to do so. Of course, anyone seeking to take over Northern Rock would need to have regard to the fact that it is necessary to ensure that the taxpayer is repaid. I have no difficulty with the concept of a mutual, certainly in principle, provided that funds for that came from outside Government sources.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): The liabilities in respect of both Northern Rock and Bradford & Bingley have been taken on by the taxpayer because the elected British Government formed the view that this was the best course of action. The Chancellor has previously taken a robust line on the issue of fiscal sovereignty, insisting that decisions on bank bail-outs that impose a burden on the British taxpayer can be made only by the British Government. Unfortunately, the draft proposals under consideration in the European Council do not reflect that view, so will the Chancellor take the opportunity today to reiterate that red line and to confirm that under no circumstances will the Government agree to a structure that could allow an unelected European regulatory body to order a British taxpayer-funded bail-out of a bank?

Mr. Darling: That is a bit rich on the day when the Conservative party is throwing in the towel on its key promise on Europe, but there we are. Yes, I did judge it right to intervene and to nationalise Northern Rock, and I think that most people accept that that was the right thing to do. It is only the Conservatives who were against doing that. Equally in relation to Bradford & Bingley, we used the very legislation that the Conservatives opposed in order to resolve the problem over the weekend.

The hon. Gentleman is asking about the proposals from the de Larosière report that came before the European Council earlier this year. We have made it absolutely clear that we believe that domestic regulation ought to be a matter for our regulators. We do see a case for a European fiscal stability council, because that is important, and we do also see a case for far more collaboration and co-operation, as that would have avoided some of the problems we had with the Icelandic banks, which must be to our advantage. We have made it clear to the Commission, however, that what we agreed to at the European Council in June ought to be implemented as European law, which respects sovereignty at the same time as ensuring that there is a degree of co-operation in a single market. Of course, all that demands an ability to work with allies in Europe, which is something that the hon. Gentleman might want to reflect on, because I do not think—

Mr. Speaker: Order. I am grateful to the Chancellor; I think we got the thrust of his answer.

Small Businesses

8. **Mr. Desmond Swayne** (New Forest, West) (Con): What fiscal measures he has introduced to assist small businesses with cash-flow difficulties during the recession. [29765]

The Financial Secretary to the Treasury (Mr. Stephen Timms): Among other measures, we have extended loss relief, we have deferred the increase in corporation tax for small companies, we have helped businesses spread payments through the Business Payment Support Service and we have introduced the capital for enterprise fund and the enterprise finance guarantee.

Mr. Swayne: There is a gulf between what Ministers say at the Dispatch Box and what is actually happening. Yesterday, at column 782W, the Minister told me in terms that these schemes include PAYE, but when I made representations on behalf of my constituents, Excelsior Coaches, and wrote to the Chancellor, I received a letter back from Revenue and Customs saying that the Chancellor had never mentioned PAYE and that no such scheme for PAYE existed. Will the Minister find out exactly what is going on?

Mr. Timms: First, I agree with the hon. Gentleman on just how important the small and medium-sized enterprise sector is to the UK, accounting as it does for nearly 60 per cent. of the private sector work force. That is why we have gone to such lengths to support those businesses, not least through the Business Payment Support Service. About 150,000 businesses have benefited from those agreements, and PAYE has been included in a number of them.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Can the Minister tell us whether the bankers' bonuses have been tied to their meeting the lending promises and engagements into which they entered with the Government, and in particular with small businesses?

Mr. Timms: My right hon. Friend the Chancellor will be referring to the question of bonuses in his statement to the House in a few minutes' time.

Mr. David Gauke (South-West Hertfordshire) (Con): Last month we saw a record fall in bank lending to smaller businesses, with a 40 per cent. drop in lending to manufacturing firms. The CBI and members of the Monetary Policy Committee have highlighted lack of credit as a major impairment to the recovery, but at lunchtime today Lord Myners told "The World at One" that there was

"no problem with the availability of credit".

Does the Minister agree with the noble Lord, or does he live in the real world?

Mr. Timms: I agree with the Federation of Small Businesses and others who have reported that credit conditions are improving. That is a welcome development. However, I can tell the hon. Gentleman that we will continue to give real help to businesses and reject calls from Opposition Members to let the recession take its course.

Fiona Mactaggart (Slough) (Lab): While credit conditions are improving, a number of small companies are still suffering because they cannot obtain credit. This week I visited Saint Engineering in Slough, a precision engineering company which, although it has even provided components used for a Mars landing, had to operate for 26 days without a bank account because of the unhelpful attitude of bank managers towards small businesses. What can the Minister do to get them on the case?

Mr. Timms: My hon. Friend is absolutely right to draw attention to the importance of supporting innovative businesses such as the one in her constituency, and we will continue to talk to the banks about it. It is encouraging to hear reports that conditions are improving, but they are not yet as good as we would wish them to be, which is why we will continue our support and our efforts with the banks.

UK Economic Growth

9. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What is his most recent assessment of the level of growth in the UK economy compared with those of other OECD economies; and if he will make a statement. [297056]

13. **Michael Fabricant** (Lichfield) (Con): What is his most recent assessment of the level of growth in the UK economy compared with those of other OECD economies; and if he will make a statement. [297062]

The Chancellor of the Exchequer (Mr. Alistair Darling): I shall publish my latest assessment in the pre-Budget report.

Mr. Crabb: Is it not the case that all the Prime Minister's and the Chancellor of the Exchequer's fantasy predictions about Britain leading the world out of recession have now been proved false? Can the Chancellor explain why the United Kingdom is still mired in the worst recession, while all the other major economies have returned to growth?

Mr. Darling: I said at the time of the Budget that I did not expect our economy to return to growth until about the turn of the year, and I remain of that view. As the hon. Gentleman may recall, I also said a couple of years ago that I believed the recession would be deeper and more profound than many observers were predicting.

It is good news for us that America, Germany and Japan are coming out of recession, because they are important markets for us. It was inevitable that the recession would affect countries in different ways and for different periods. The downturn in Germany and Japan at the beginning of this year, for example, was far greater than the downturn that we had experienced. However, the one obvious common feature applying to every country that has come out of recession is the introduction of a fiscal stimulus of one sort of another. The Conservative party is the only party in 186 countries that takes a different view.

Michael Fabricant: Given that the fiscal stimulus in the United Kingdom to which the Chancellor just referred was greater than the fiscal stimulus in any other country in terms of our borrowing as a percentage of GDP, and given that our currency has been devalued against the dollar, stimulating exports, was the Chancellor surprised to find that the United States had emerged from the recession before the United Kingdom, and was the Prime Minister even more surprised—

Mr. Speaker: Order. I am grateful to the hon. Gentleman.

Mr. Darling: In terms of size—and size sometimes matters—I think the hon. Gentleman will find that the German Government's stimulus was slightly larger than ours, although my former opposite number, the right hon. and learned Member for Rushcliffe (Mr. Clarke) said that he was not very much in favour of it. The key point is that Germany, France, Italy, Japan, China and many other Asian countries, and the United States all do the same thing when faced with the most severe downturn in modern times: they put money into the economy to support people and businesses. That is why, throughout the world, the confidence that we now enjoy is far greater than it was six months ago.

Rob Marris (Wolverhampton, South-West) (Lab): May I urge my right hon. Friend to reject the shallow short-termism from those on the Opposition Benches? It looks as though the UK will have slower growth coming out of the recession, but also a shallower recession. Will my right hon. Friend say what has happened and what will happen in terms of the size of our economy as against those of comparable OECD countries between, for example, 2005 and 2015? Let us look at the medium term.

Mr. Darling: I am sure—and I certainly hope—that you would rebuke me, Mr. Speaker, if I were to try to read out a table giving all that information immediately, but my hon. Friend makes the general point that the measures we are taking are making a difference. The scrappage scheme, which is part of the stimulus and which has been opposed by the Conservatives, has meant that Nissan has taken on more workers in Sunderland and has reported an increase in its small car sales. Honda is also reporting an increase in its sales after having had a lay-off for the first six months of the year. I say to the Conservatives that the point at issue is that Government action can and does make a difference; that is the difference between the two of us. We must continue to support our economy until we have made sure that the recovery is established and we can then start the necessary consolidation. That is very important, and I am sorry about the Conservative party's approach. Of all the 186 members of the International Monetary Fund, there is not a single country that believes in and supports the stance the Conservatives have taken.

Mr. George Osborne (Tatton) (Con): Given that all the other major economies are now growing, what exactly did the Prime Minister mean when he said:

"This Chancellor is leading...the world...out of recession"?—[*Official Report*, 3 June 2009; Vol. 493, c. 268.]

Mr. Darling: I do not recall that he singled me out in that way, but what I would say to the hon. Gentleman—I have been saying this for some time now—is that the difference between the two of us is that when we were faced with a severe downturn I believed that the right

thing to do was to use the spending power of Government to ensure we supported our economy. All the countries that have now come out of recession or are coming out of it have had that same thing in common. They have all been affected in different ways—sadly, America has had higher unemployment than us—but the Governments of all these countries decided that to do nothing and let the recession take its toll was unacceptable. Instead they have taken the necessary action, and it is bearing results.

Mr. Osborne: I am sorry that the Chancellor does not remember the compliment the Prime Minister paid to him, but the Prime Minister said in June 2009—which was, in fact, also the month in which he was trying to sack his Chancellor—that the

"Chancellor is leading...the world...out of recession."

The problem is that the British Government do not have a simple answer to the simple question why this country is still in recession when the rest of the world is recovering. The Chancellor now says that he will hit his Budget forecast that by the end of the year the economy will be growing—and, of course, we hope he is right about that—but he knows that the Budget forecast included a prediction that the economy would shrink by 3.5 per cent. this year. Is he still confident that that growth prediction will be hit, because it would require an annualised growth of 24 per cent. in the final quarter of this year if he is to be accurate?

Mr. Darling: I believe I said at our last Question Time that, in common with other countries, the downturn in the first quarter of this year—and, indeed, also in the last quarter of 2008—was more severe than people had thought. I repeat the point, however, that the hon. Gentleman's answer would have been to do absolutely nothing. As my right hon. Friend the Financial Secretary said, until the hon. Gentleman tried to nuance the Conservatives' position in his press conference last Monday, he has said time and again that he would not have done anything—he would not have supported people, and nor would he have supported businesses, to get through this recession. Indeed, most informed commentators take the view that what we have done is right. It is a view that is accepted by the OECD, the International Monetary Fund, the CBI and the Federation of Small Businesses. The Conservatives alone took the view that they would do absolutely nothing, and I believe that they did so on the entirely cynical calculation that if what we did did not work, they would say they were right, and if it did work, they would say the recovery would have happened anyway. They are wrong on this—they are fundamentally wrong on perhaps the most important issue of the day.

International Development

10. **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): What recent discussions he has had with the Secretary of State for International Development on proposals to ensure the Government meet a target of allocating 0.7 per cent. of gross national income to overseas development assistance by 2013. [297057]

The Economic Secretary to the Treasury (Ian Pearson): Treasury Ministers and officials have meetings on a wide variety of issues, including this topic, with a wide variety of public and private sector organisations. The Government remain committed to meeting the target of allocating 0.7 per cent. of gross national income to overseas development assistance by 2013, and we will set this target in legislation.

Mr. Clarke: Is my hon. Friend aware of any discussions involving those who recognise that ODA funding has also got to be matched against the need for increased resources to combat climate change, and will we set out our stall ahead of the Copenhagen summit?

Ian Pearson: My right hon. Friend is absolutely right, in the sense that one of the key things that many of the poorest countries in the world face today is not just the challenge of getting out of poverty, but having to adapt to climate change, which will hit some of them the hardest. That is why it is vital that we do agree on climate change financing in the run-up to Copenhagen. This will be discussed by G20 Finance Ministers at the weekend; however, it is important that it be seen as separate from the funding that will be provided to help some of the poorest countries out of poverty.

Miss Julie Kirkbride (Bromsgrove) (Con): If I remember correctly, back in 1997, the Labour Government had the aspiration of 0.7 per cent. of gross national income being spent on overseas development. Why, therefore, is it in the last year of the Labour Government that they are proposing to put that into legislation?

Ian Pearson: We will not take any lectures from the Conservatives on overseas aid, given that they slashed the budgets year on year. We have seen sustained improvement in the amount of money going to help some of the poorest countries as a result of the 12 years of this Labour Government; indeed, it is one of the things I am most proud of. We have said that we will meet our interim target of 0.56 per cent. by 2010. We are on track to do that, and we will also, as my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) clearly pointed out, lead the way in having a climate change deal that will help the poorest countries of the world.

Time-to-Pay Arrangements

11. **Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): What recent assessment he has made of the effect on small businesses of the time-to-pay arrangements operated by Her Majesty's Revenue and Customs. [297060]

The Financial Secretary to the Treasury (Mr. Stephen Timms): The Business Payment Support Service was introduced last November. Since then, more than 220,000 time-to-pay arrangements have been agreed with 150,000 businesses—employing between them some 600,000 people—enabling them to spread tax payments of almost £4 billion.

Mr. Purchase: These arrangements are very welcome in my constituency, where people have struggled, but does the Minister accept that these and other measures that have been introduced are really a cover-up for the catastrophic failure of profit-maximising finance capitalists who have failed our small businesses? Is it not now time to look for more responsible banking, to remutualise those organisations that have gone to the free market, and to reject the idea that "competition, competition" is anything other than a mantra?

Mr. Timms: We are certainly looking for changes in banking, as my right hon. Friend the Chancellor of the Exchequer will be setting out in a few moments' time. However, I would not agree with my hon. Friend in characterising this scheme as a cover-up, because it has given a lifeline to thousands of businesses in constituencies such as his. One of the most impressive things about it is the very good record of repayment. More than 90 per cent. of the repayments due come in on time once an agreement has been made. It is a very good model for the future.

Capital Projects

12. **Gwyn Prosser** (Dover) (Lab): What recent assessment he has made of the effects on the economy of his Department's policy of bringing forward spending on capital projects. [297061]

The Chief Secretary to the Treasury (Mr. Liam Byrne): Bringing forward capital spending is part of a response to the recession that is now supporting up to half a million jobs, helping 300,000 people stay in their homes and helping 150,000 businesses with their cash flow. We forecast that these measures will return us to growth by the end of the year.

Gwyn Prosser: Advancing building programmes is also good news for us in our constituencies, but what can we do to encourage hospital trusts that do not have access to capital funds and that rely on their surpluses to advance their programmes and create jobs and construction programmes earlier?

Mr. Byrne: We are very proud of the fact that under this Government, the national health service now has 100 new hospitals, which have been built through the increases in capital expenditure. That means that the NHS estate is now in a completely different shape. We plan capital spending to continue at different kinds of levels in the future, but even by 2013-14 we expect capital expenditure to be higher than the levels we inherited. Of course, there will be trusts around the country that will also choose to use the different flexibilities that they have, such as the private finance initiative or internally generated resources, but our determination to carry on with the business of modernising the NHS is undiminished.

Mr. Graham Stuart (Beverley and Holderness) (Con): Will the Minister consider using capital expenditure to reduce the debt on the Humber bridge? In particular, will the Treasury agree to carry out its own analysis of the economic impact of the tolls on the local area and on the Exchequer, and match the promise made by my hon. Friend the Member for Tatton (Mr. Osborne)?

Mr. Byrne: I will certainly be happy to consider evidence such as that the hon. Gentleman mentioned and any other evidence that he would like to bring forward.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Is my right hon. Friend aware that at a recent meeting of the Yorkshire and the Humber Regional Committee, representatives of the CBI, the chambers of commerce, the Engineering Employers Federation—the EEF—and the Federation of Small Businesses all welcomed the Government's stimulus package, including the bringing forward of capital projects? They said that although the economy recovery has started to happen—

Mr. Speaker: Order. There is pressure on time and we must make progress. I want a question with a question mark—one sentence please.

Mr. Betts: Those organisations questioned whether it was right to withdraw the stimulus package now and whether doing that would have a disastrous effect on economic recovery.

Mr. Byrne: As my right hon. Friend the Chancellor said, the fiscal stimulus that we have been able to put in place, because we went into this recession with low levels of debt, together with low interest rates, is now supporting up to 500,000 jobs. The disastrous thing to do would be to withdraw that stimulus too quickly. The Conservative party has set its face against a fiscal stimulus and it is for early withdrawal of that stimulus, which would be such a disaster for our economy.

Tax Avoidance

14. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What steps he is taking to reduce the incidence of tax avoidance. [297063]

The Financial Secretary to the Treasury (Mr. Stephen Timms): We have taken action domestically and internationally to change the game for those who bend rules on tax. We detect avoidance early, we tackle it quickly and the tax avoidance disclosure system introduced in 2004 has helped to close more than £12 billion in avoidance opportunities.

David Taylor: The Tax Justice Network has done the world a great service in producing its global index of secrecy, which reveals the most secretive financial centres—the City of London being the fifth worst. Why cannot we take an international lead in tackling tax avoidance by first ending the clandestine and corrupting culture that permeates the City of London?

Mr. Timms: We have led work internationally in the G20 on tackling tax evasion and have won plaudits from many for doing so. Her Majesty's Revenue and Customs will be setting up a dedicated tackling tax evasion unit to target those with offshore bank accounts who do not come forward under the current new disclosure opportunity—I believe that my hon. Friend will welcome that. In the G20, we have led a dramatic change on tax havens—there has been a huge amount of profitable activity—just over the past year.

Credit Unions

15. **Mr. David Drew** (Stroud) (Lab/Co-op): What discussions he has had with the Secretary of State for Business, Innovation and Skills on the potential for the location of credit union activities in post office branches. [297064]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): The Government recognise the potential for closer working between the Post Office and credit unions. I understand that the Post Office and the Association of British Credit Unions Limited have been holding discussions on this subject. The Government will be holding a national consultation on banking services at the Post Office, which we hope to launch by the end of the year.

Mr. Drew: I thank my hon. Friend for that pleasing news, but we have heard these ideas before and it is vital that the poorest among our community, who find it most difficult to borrow, can go to the most trusted institution—the Post Office—to use credit unions. Will she ensure that that happens as a matter of urgency?

Sarah McCarthy-Fry: I absolutely agree with my hon. Friend. He may be interested to learn that back in September I officially opened the first credit union to share premises with a post office, which is in Pollok, in the constituency of my hon. Friend the Member for Glasgow, South-West (Mr. Davidson). One could see the potential for the synergy between the post office and the credit union: they were not just sharing premises; they were also sharing the staff.

Banking Sector Reform

16. **Mr. Brooks Newmark** (Braintree) (Con): When he last met the Governor of the Bank of England to discuss reform of the banking sector. [297065]

The Economic Secretary to the Treasury (Ian Pearson): The Chancellor of the Exchequer and the Governor of the Bank of England meet regularly to discuss a range of issues.

Mr. Newmark: Given that and the fact that when Lehman Brothers collapsed neither it nor the banks actually understood the counter-party risks, has the Minister discussed the right systems and ensured that they will be in place when the system is reformed?

Ian Pearson: As the hon. Gentleman rightly points out, the collapse of Lehman Brothers was of systemic importance to not only the US economy, but the world economy, and he will be very aware of the actions that followed it. The issue has had extensive scrutiny, and he will also be aware of the administration position at the moment. Those lessons have and are being learned, which is one of the reasons why actions have already been taken by the Financial Services Authority and it is another reason why further reforms in the financial services Bill will follow the Queen's Speech.

Miss Anne Begg (Aberdeen, South) (Lab): May I ask my hon. Friend, as my constituents are also asking, what the Government are going to do in terms of taking up the regulation of the whole financial sector and not just the reform of the banks?

Ian Pearson: As my right hon. Friend the Chancellor has pointed out on a number of occasions, we cannot return to business as usual. Reforms have been implemented already and more action needs to be taken. I am sure that my hon. Friend will want to support the Government's future legislative programme, which will have an important piece of legislation—the financial services and business Bill—contained in it.

Comprehensive Spending Review

17. **Mr. Andrew Mackay** (Bracknell) (Con): When he expects to announce arrangements for the next comprehensive spending review. [297066]

The Chief Secretary to the Treasury (Mr. Liam Byrne): Departmental budgets are set until April 2011 and, as the Chancellor has made clear, he will set out more detail on his spending plans in the pre-Budget report.

Mr. Mackay: Can we have a guarantee that the arrangements for the spending review will be put in place very quickly? Obviously the people of this country will want to see detailed proposals from the Government ahead of the election.

Mr. Byrne: As my right hon. Friend the Chancellor has made clear, the public will be in no doubt about the choice between the two principal political parties and their spending plans at the next election. There is no precedent for when spending reviews should be carried out. They are an innovation that was introduced by this Government, and sometimes they have been produced a year before one spending review expires and sometimes two years before. At a time when there is a degree of uncertainty in the economy, as the right hon. Member for Bracknell (Mr. Mackay) would admit, it would wrong to be too hasty about what budgets will look like in the year of the Olympics and thereafter.

Topical Questions

T1. [297073] **John Robertson** (Glasgow, North-West) (Lab): If he will make a statement on his departmental responsibilities.

The Chancellor of the Exchequer (Mr. Alistair Darling): The core purpose of the Treasury remains as I set out in the last Treasury Question Time.

John Robertson: My right hon. Friend will be aware of the people who desperately need working tax credits. With the volatility in the employment market these days, can he tell me whether there is a shortfall in the uptake of working tax credits and, if so, what does he intend to do about it?

Mr. Darling: In relation to the child tax credit, take-up is about 81 per cent. and lone parents make up about 95 per cent. of that, whereas parents in the lower income bracket make up about 92 per cent. There is quite a high take-up among parents with children. In relation to the take-up of working tax credit among families without children, although 100,000 more people have claimed the working tax credit, we need to do more to encourage people. It is a way of ensuring that people's incomes can be maintained, especially at a time of economic downturn.

Mr. George Osborne (Tatton) (Con): May I ask the Chancellor about the forthcoming pre-Budget report? Everyone knows that the date keeps being put back, presumably because the Government cannot agree on what to put in it. The Bank Governor says that the country cannot afford another fiscal stimulus while the Prime Minister is busy briefing Sunday newspapers that he is planning a new spending splurge. As the third person in this unhappy marriage, what does the Chancellor think should be done, or is he just keeping his head down and avoiding the mobile phones?

Mr. Darling: The pre-Budget report will be an opportunity for us to see clearly that the measures that I set out a year ago and in the Budget this year are having

an effect. I believe that the measures that we put in place to support our economy, some of which will end this year, such as the VAT decrease, and others of which will continue, such as the time-to-pay measure that was mentioned earlier by my right hon. Friend the Financial Secretary to the Treasury, are having an effect on the economy. Perhaps the difference between the hon. Gentleman and I is that I believe that we need to ensure that we set out plans to ensure that we have growth, because otherwise we face a decade of low growth and low employment. That is the prescription and the counsel of despair that the Conservatives are offering and I do not think that it is the right option for this country.

T3. [297075] **Gwyn Prosser** (Dover) (Lab): We all appreciate the need for pay restraint, especially among the higher paid, but does my right hon. Friend appreciate the demoralising effect it has when we tell low-paid public sector workers that their pay is to be frozen and their jobs threatened? In particular, does he appreciate the impact on hard-working border control officers based in Dover and Calais?

The Chief Secretary to the Treasury (Mr. Liam Byrne): We are very proud of our record over the past 10 or 11 years in fixing and improving the pay of some of the people in our public services who make the biggest difference and who work hardest on behalf of this country. However, as the Chancellor has said, once recovery is locked in it is important that we get on with the business of consolidation, which is why we have committed to halving the deficit over four years. We expect people in public services, particularly those who work at senior levels, to show a degree of leadership. That is why the evidence that we have submitted to pay review bodies calls for a 0 per cent. increase for senior groups and for increases of between 0 and 1 per cent. in 2010-11 for other public sector work forces who are not covered by three-year deals. I know that this will sometimes cause a degree of anxiety but we have to get the balance between investing in public services and the pressures of public sector pay absolutely right.

T2. [297074] **Miss Anne McIntosh** (Vale of York) (Con): Why is the Chancellor seeking to change the tax status of holiday lets, which are frequently operated on farms by small businesses in rural areas? The proposal will harm precisely those businesses that Treasury Ministers were just saying that they were trying to help.

The Financial Secretary to the Treasury (Mr. Stephen Timms): This matter was discussed in the Finance Bill Committee this year. There has been a tax break for furnished holiday lettings for some time but, as it is available for UK properties only and not for properties in Europe, it is no longer clear that it is consistent with European law. We have announced a change, and we will publish an impact assessment of that change at the time of the pre-Budget report.

T5. [297077] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): Does my right hon. Friend the Chancellor agree that it is very unlikely that Northern Rock would have run into problems if it had remained a mutual? Is that not the best possible reason for him to look proactively for ways to return it to the mutual sector? Would not that be in the long-term national interest?

Mr. Darling: The problems at Northern Rock were substantially caused by a new breed of management that came in and did not seem to understand that terrible problems can arise if one's sole source of funding for lending dries up. It was a management problem as much as anything else.

As I said in reply to my right hon. Friend the Member for West Dunbartonshire (John McFall), I would like to see more mutuals. However, anyone coming in for Northern Rock would have to ensure that they had sufficient funds to achieve mutualisation. Whether the business is a mutual or a plc, there needs to be capital behind it. That is a question that anyone coming in for the business would need to address.

T4. [297076] **Mr. Peter Bone** (Wellingborough) (Con): Last week, the Prime Minister demoted the Chancellor from No. 2 in the Cabinet to No. 4. Has the Chancellor had a falling-out with the Prime Minister?

Mr. Darling: I do not know where the hon. Gentleman got that news from. However, I can tell him that the Prime Minister and I are agreed that the challenges faced by this country are best met by making sure that we continue to support the economy, and that we get growth, jobs and high employment in the future. That is more interesting to us than rather pathetic party politics.

T8. [297080] **Derek Twigg** (Halton) (Lab): In view of the importance of large capital projects in providing jobs, will my right hon. Friend ensure that the Treasury releases as soon as possible the funding already allocated for the Mersey Gateway bridge if, as is expected, the project is given the go-ahead?

Mr. Byrne: This is very much on our radar. I understand that the planning inspector's report following the recent public inquiry is expected to be received in the middle of December. The recommendations will then need to be considered carefully by my noble Friend the Secretary of State for Transport before a decision can be announced. As is normal in these cases, a decision on funding will be taken at that stage. However, I am very grateful for the consistent lobbying that my hon. Friend has done on this subject.

T6. [297078] **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): On the repeal of the fixed holiday let rules, will the Minister explain why he did not consult at all either tourism or agricultural bodies before taking this damaging action? That is especially important, given the close relationship between farming and tourism in constituencies such as mine in Pembrokeshire.

Mr. Timms: As I explained earlier, the change was made for a straightforward legal reason. It looked as though the law required it but, as I said, we will publish an impact assessment that will be available for widespread discussion.

T9. [297081] **Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): Does the Chancellor agree that the increasing use of technology and mechanisation in the banking industry has led, dangerously, to many local managers losing a lot of knowledge about, and touch with, their local businesses? If he does agree, what talks will he hold with the banking industry to reskill the banking fraternity in local matters?

Mr. Darling: I agree with the point that my hon. Friend makes. It is important that local bank managers understand the businesses and the affairs of the people with whom they deal. At times they can appear remote, which is something that I have raised with the banks on many occasions. I am not sure that we can go back to the age when there was a Captain Mainwaring behind every bank counter, but perhaps that is something that one or two banks might want to reflect on.

T7. [297079] **Mr. Mark Harper** (Forest of Dean) (Con): The Chancellor will be aware of the terms of the deal that has been hammered out between the Treasury and Lloyds Banking Group, which fortunately will safeguard for the moment the future of the Cheltenham & Gloucester branch in my constituency, and the 1,200 jobs in Gloucester. I understand that the terms of that deal have to be finalised by the college of Commissioners in the European Union. Can the Chancellor confirm that that will be done by the end of this year?

Mr. Darling: I certainly hope so, because the present college of Commissioners comes to the end of its term of office this year. We reached an agreement with Commissioner Neelie Kroes at the weekend, and she speaks for the Commission. As I shall explain when I get to the statement, the detail needs to be sorted out, but we have an agreement that is in the best interests of the whole banking sector. I shall return to that shortly.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Does the Chancellor agree that the Government were right to reject any advice to join the euro? Given that, does he agree that this is not the time for those who promised a referendum on the Lisbon treaty to go floppy?

Mr. Darling: Our position on the euro has not changed, just as I know my hon. Friend's position on the euro has not changed. But he is right. The Opposition ought to reflect on the fact that they are becoming more and more out of touch with what is happening in relation to Europe. As for their central promise to the electorate on a referendum, that appears to have been junked.

T10. [297082] **Richard Ottaway** (Croydon, South) (Con): Is the Chancellor aware of the remarks of Lord Myners last night, who said that 70 per cent. of all share transactions are computer-generated in trades lasting only microseconds? Does he have any plans to review the way shares are bought and sold?

Mr. Darling: If that needs to be looked at, we will do that. Before I come to any conclusion, I should like to see what the noble Lord actually said.

Mr. Gordon Prentice (Pendle) (Lab): Should all Members of Parliament say whether they are resident in the United Kingdom for tax purposes?

Mr. Darling: I should have thought that that would be a precondition for getting elected.

Justine Greening (Putney) (Con): Last week the Financial Services Authority fined GMAC-RFC for its unfair treatment of 46,000 mortgage customers. The fine was £61 per customer. Is that enough?

Mr. Darling: There may well be a case for reviewing the fines available to the FSA. I am not familiar with the particular case. I will arrange for Lord Myners to write or I will write to the hon. Lady myself, once I have had an opportunity to study what she has said.

Fiona Mactaggart (Slough) (Lab): Today's changes in the housing benefit and council tax benefit rules will put into the hands of families with children whose child benefit is being disregarded about £20 a week per family. What else can the Department do to help to tackle child poverty in advance of the pre-Budget report?

Mr. Byrne: As I said in response to an earlier question, the key route out of poverty remains connecting people with the opportunity to work. That is why, as my hon. Friend knows, we have been so determined to take steps to help make sure that people are kept close to the labour market. That is why we have put more than £1 billion into the working neighbourhoods fund, in order to help provide jobs where unemployment is high. It is also why the future jobs fund is so important. It creates more jobs, again targeted on those areas where unemployment is high. That, on top of our determination to see the tax credit system stay in place and on top of changes to the social fund, is making a real difference to those who are finding it toughest in this recession.

Sir Nicholas Winterton (Macclesfield) (Con): Are the Government concerned about the miserable return that savers, many of them elderly and relying on their savings, get for the investments that they have in banks and building societies, which scarcely covers inflation and the tax that they may have to pay?

The Economic Secretary to the Treasury (Ian Pearson): As the hon. Gentleman will be aware, despite the fact that we have historically low interest rates, rates in the market are in some cases significantly in excess of that. He will also be aware, particularly with regard to pensioners, of the changes that we announced to the ISA regime, which mean that people aged 50 and over can get tax-free savings on their investments. I hope he would welcome that.

Gordon Banks (Ochil and South Perthshire) (Lab): Predictions today from the EU suggest that the UK economy will grow at a greater rate than many European economies. Does my right hon. Friend believe that that is an acknowledgement that the policies that the Government have followed during the recession and beyond it are and will be the right ones?

Mr. Darling: I will set out in the pre-Budget report my assessment of where we are in relation to future growth. But, as I said earlier, there is clear evidence now that, right across the world, Europe included, supporting our economies was the right thing to do—particularly to try to keep unemployment as low as possible.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): As the Chancellor says, it is vital to support our economy at this time. He will know just how difficult an environment it is west of Shetland when it comes to encouraging investment in oil and gas. At this crucial time for our national energy resources, will he look

further at extending the field allowance to try to encourage the investment decisions that, crucially, need to be made soon west of Shetland?

Mr. Darling: I am very much aware of that issue, and as the hon. Gentleman may know I met representatives of the oil industry in Aberdeen about three weeks ago, when we discussed the prospects not just west of Shetland but in the North sea generally. I am anxious to ensure that we do everything we can to encourage the extraction of oil and gas, which is important to us in terms of security of supply. I am aware of the particular problems in relation to the conditions west of Shetland, and we shall continue to see what we can do to try to resolve that problem.

Mr. John Redwood (Wokingham) (Con): Is there any prudential limit to how much the Government can and should borrow?

Mr. Darling: My answer is the same as when the right hon. Gentleman asked the question last time. It is right that borrowing should rise as a correct measure to deal with the current downturn, but of course as the recovery becomes established we need to take steps to ensure that we can reduce our borrowing. At the Budget, I set out proposals to cut our deficit by half over a four-year period, but, to have cut borrowing now, and public expenditure dramatically now, would have tipped us into a deeper and more prolonged recession. That would have been more expensive and damaging, and it would have taken us longer to get out of the problem.

Greg Mulholland (Leeds, North-West) (LD): I do not know how many pubs the Chancellor is now barred from as a result of his ill-judged and damaging rise in beer duty, but will he consider the effect of the VAT increase when it returns to 17.5 per cent. in January? In the light of that, will he reconsider the beer duty rises from next April? CAMRA reckons that, combined, they will put another 5p on the price of pint of beer, damaging community pubs.

Mr. Timms: We are concerned about what happens on the night of 31 December. I said in May that businesses that are open across midnight, such as pubs and clubs, will be able to continue charging VAT at the lower rate. I can confirm today that they will be able to do so until 6 am on the morning of 1 January 2010. That will be very welcome news to institutions such as those about which the hon. Gentleman is concerned.

Banking Reform

3.32 pm

The Chancellor of the Exchequer (Mr. Alistair Darling): With permission, Mr Speaker, I should like to make a statement on the banks in which the Government have shareholdings. This morning the Treasury, Lloyds Banking Group and the Royal Bank of Scotland issued market notices in the usual way.

In October last year, I set out a range of measures designed to prevent the collapse of the banking sector. Those measures are working, and countries across the world took very similar steps over the following weeks. But the uncertainty in global financial markets had a very serious impact on confidence, resulting in a world recession. That in turn worsened the outlook for our economy, leading to higher losses for UK banks.

It was clear that further action was needed to strengthen the banks, and in January we announced an asset protection scheme to prevent a further shock to confidence, and to ensure that lending could continue. We continued to support the economy through fiscal and monetary policy, and we co-ordinated a global policy response at the G20 London summit in April. Those measures are working, too: fears of a global depression have receded and market confidence has started to return. As a result, we are now able to achieve our objectives on financial stability and banking reform at a lower overall cost to the taxpayer.

The asset protection scheme that I announced in January has played a vital role in supporting confidence in financial markets. Let me remind the House of the key features that I set out back then. The scheme provided insurance against losses arising on a pool of bank assets, and in return the banks paid a fee in the form of shares. The effect of the scheme is to strengthen the capital position of any bank taking part in it, but that of course carries a risk of exposure for the taxpayer. The scheme was open to all major UK banks, but in the event, improved market conditions meant that only two banks decided to participate.

Since then, further improvement in market conditions means that Lloyds has been able to develop a better plan. It now does not need to participate in the scheme, which will significantly reduce the cost and exposure for the taxpayer.

I will now explain in detail our proposals to restructure the banks better and also to make them stronger. Turning first to Lloyds, following the recapitalisation last October, the Government owned 43 per cent. of the bank. In March we reached an agreement in principle with Lloyds on its participation in the asset protection scheme. This would, through the fee, have increased its capital by over £15 billion, increasing the cost to Government, with our stake in Lloyds rising to 62 per cent. We agreed then in principle to insure £260 billion of assets, giving us a very large contingent liability. But now that market conditions have improved, we have agreed a better proposal for Lloyds, to bring in substantial private capital and reduce taxpayer exposure.

So Lloyds has announced today that it will raise £21 billion in the open market. This capital raising is fully underwritten by commercial banks. As a shareholder, the Government have the option to take up part of the newly issued equity. If we did not do so, the value of the existing taxpayer shareholding would be diminished. To protect the value of our shares, we have therefore decided to take up our share of this new capital, investing £5.7 billion net of an underwriting fee. By raising capital in the markets, Lloyds will begin its transition from state support to private finance, and no longer need the insurance of the asset protection scheme. Because Lloyds has benefited from the existence of that scheme since March, it has agreed to pay the Treasury a fee of £2.5 billion and to reimburse our costs. Today's decisions make Lloyds a stronger bank and provide better value for the taxpayer, ending the exposure of the taxpayer through the insurance scheme, with a substantial fee in return for the insurance provided to date, and a substantial capital contribution from the private sector, while maintaining our shareholding at 43 per cent.

I now turn to the Royal Bank of Scotland. It is a bigger bank than Lloyds, with a more complex balance sheet and a greater exposure to losses, mainly due to its purchase of the Dutch investment bank ABN Amro. Under February's agreement in principle, the Government said that they would insure £325 billion of assets through the asset protection scheme, as well as providing an additional capital injection of £13 billion, a second tranche of capital amounting to £6 billion, and a further £6.5 billion-worth of capital support through additional shares issued to pay the fee. Together, this would have increased RBS's capital by £25.5 billion, taking the Government stake to 84 per cent.

Before we could reach a binding agreement, we needed to carry out due diligence on the assets and to ensure that the final terms were consistent with the then emerging European Commission guidelines. The restructuring guidelines were published in July, following extensive work with the UK and other countries. We have also now completed, with the Financial Services Authority, due diligence work on the RBS balance sheet. As a result, we are making a number of changes to the terms of the scheme, which will improve incentives and share risks better with the private sector.

Although market conditions have improved, RBS still needs to do more to be able to stand on its own feet. So we will continue with our plan to invest £25.5 billion of capital in RBS—but there are three key changes. First, there will be a £43 billion reduction in the pool of assets covered by the insurance scheme, which reduces the Government's contingent liability. Secondly, the first loss on these assets—payable by RBS—will be increased from £42 billion to £60 billion, which further protects the taxpayer. Thirdly, in return, RBS will pay an annual fee of £700 million for each of the next three years, and £500 million per year thereafter, which gives it an incentive to leave the scheme as conditions improve. When it does leave the asset protection scheme, it must have paid a minimum fee of £2.5 billion, or 10 per cent. of the actual capital relief received.

To reflect the increase in the first loss, amounting to £18 billion more payable by RBS, we will no longer require RBS to give up its tax losses, which it estimates at between £9 billion and £11 billion. In the unlikely event of a severe downturn, it may be necessary to provide up to £8 billion contingent capital, but this will be triggered only if there is severe stress, taking its core capital ratio down to 5 per cent. Again, in return for that, RBS will pay an annual fee of £320 million for as long as the contingent capital is available.

In the case of RBS, the overall level of Government support will remain broadly the same as I announced in February, but this revised deal is better structured, with better risk sharing and greater incentives to exit. There is a higher first loss payable by RBS—£60 billion, up from £42 billion. There are better incentives, with a fee of £700 million for three years and £500 million thereafter, and fewer assets to be insured—£282 billion instead of £325 billion. I will provide the House with full details of the operation of the scheme when the final agreement is signed and approved by the Commission.

As part of these restructured deals, we are also pushing forward reform at the banks, with improved lending and remuneration policies. Both Lloyds and RBS will be in a stronger position to continue lending. Lloyds will increase lending capacity this year and next, with an additional £11 billion for businesses and £3 billion for home buyers in each year. RBS will continue to meet its lending commitments of £25 billion this year and next, as I indicated earlier this year. Both will publish customer charters on good practice, particularly on small and medium-sized enterprise lending, increasing transparency and improving loan conditions for business customers.

On pay, all major retail and investment banks in the UK need to meet the G20 principles and Financial Services Authority rules, so that bonuses are transparent, variable and with no multi-year guarantees. Between 40 and 60 per cent. must be deferred over a number of years, not paid out immediately, and they must be subject to clawback to ensure that pay is aligned with long-term performance. However, we have agreed with RBS and Lloyds that they will go further than that. For this year, there will be no discretionary cash bonuses, except for staff earning less than £39,000 a year. The executive boards of both banks will have their bonuses deferred in full until 2012. That goes much further than the G20 agreement, and further than any other banks in the world.

I will continue to strengthen the supervisory regime, building on the proposals that I set out in July, by adopting the recommendations of the Walker review on corporate governance for banks, reforming the mortgage markets and legislating to make banks put in place "living wills", as well as providing enhanced powers and objectives for the FSA, to strengthen regulation further.

I believe that those steps are better for the taxpayer, better for the banks and better for the economy. As a result, the likely cost to the taxpayer and the risks faced by the public finances have reduced markedly. The total assets protected have been reduced by more than £300 billion, there is more private sector investment and the fees received are better structured. I expect, subject to wider factors, to revise downwards the provision for financial sector interventions in the pre-Budget report.

As I said in my statement in July, our second objective is to encourage greater banking competition in the high street and for small and medium-sized businesses. Since the financial turmoil started in 2007, the banking industry has become more concentrated in most advanced economies. Over the course of this year, we have been working with the Commission to agree on how to restructure the banks while meeting state aid rules.

As for Northern Rock, I have already set out my intention to split the bank into two separate companies, and we now have Commission approval for that. That will mean that less capital support is needed to keep Northern Rock lending, and when the time is right it will facilitate a return to the private sector. Lloyds will sell Cheltenham & Gloucester, the Intelligent Finance internet bank, the TSB brand, Lloyds TSB Scotland and some Lloyds TSB branches in England and Wales—altogether, more than 600 branches by 2013. RBS plans to sell its insurance businesses, including Direct Line and Churchill, as well as its commodity trading arm and its card payment processing operation. It will also divest itself of more than 300 branches across the UK, again by 2013. Together, those businesses could amount to about 10 per cent. of the retail banking market in the UK.

In each and every case, we will insist that those institutions should not be sold to any of the existing big players in the UK banking industry. Lloyds and RBS will each be required to sell their retail and SME businesses as a single viable package to a smaller competitor or new entrant to the market. That, together with Northern Rock, will potentially create three new banks on our high street in the space of five years, which will increase diversity and competition in the banking sector, giving customers more choice and a better service.

The financial services sector will remain an important part of our economy. Yesterday's job losses announced by RBS and today's job losses announced by HSBC are a reminder that for many employees, these are difficult times. We will do everything we can to work with the banks to help them find new jobs for those affected.

My proposals today will ensure that we have a strong and vibrant financial services sector in the future. They will mean strong and safer banks that are better able to support the recovery, and more competition and choice for people who use them. I commend this statement to the House.

Mr. George Osborne (Tatton) (Con): Once again, Mr. Speaker, the Chancellor tells the House of Commons what he already has spun to every national newspaper—last night, long before any market notices were put out.

Let us separate fact from Government fiction. First, we welcome the modest break-up of some of those large banking conglomerates—a break-up that the Chancellor wholly opposed when the Conservatives proposed it six months ago, and which everyone knows was wholly imposed upon him by Commissioner Neelie Kroes. We also welcome the ban this year on all significant cash bonuses in these major retail banks—not least because we proposed that a week ago. Again, the Treasury and the Chief Secretary to the Treasury wholly opposed us. Yet again, the Conservatives are setting the agenda.

However, is not the real story the sheer size of this bail-out? The Chancellor could not bring himself to give us the actual figure in the House of Commons—£39.2 billion, equivalent to £2,000 per family. It is bigger even than the bail-out last autumn, and with the Royal Bank of Scotland, it now breaks a new world record as the single biggest bail-out of any single bank anywhere in the globe.

Of course, the Chancellor presents this as positive Government action, but he had little choice, because the alternative was seeing RBS unable to fulfil the basic requirements of a solvent bank. However, it results in a bail-out bigger than that of Citigroup and that of Bank of America. Indeed, all of that is going into a bank the former chief executive of which, we must remember, was knighted for banking services by the Prime Minister.

[Mr. George Osborne]

In return for this huge slug of money, there is still no guarantee that this will get lending flowing in the real economy, help real businesses to stay afloat or keep people in work. The Chancellor wants us to believe that this is a new era for British banking, when in truth the British people are being presented with yet another enormous bill to try to clear up the mess from the old era of irresponsible banking supervision over which this Labour Government presided.

Let me press the Chancellor on the details—first on the enforced sale of branches and bank businesses. Why did he oppose that when we first suggested it six months ago? He dismissed it out of hand. Is that because—perhaps he could confirm publicly what everyone is saying privately—although he did not want to do it, it was imposed on him by the actions of the European Commission, right up until the weekend? Indeed, during their time in office, this Government have never made any secret of the fact that they have actively promoted the policy of creating a small number of large banks.

Mr. Darling *indicated dissent.*

Mr. Osborne: The Chancellor shakes his head. Does he not remember what he said in the pre-Budget report last year? He said that

"consolidation"—

of banks—

"results in stronger and better-capitalised...institutions, which will lead to greater financial stability, more protection for consumers, and better availability of competitive financial products."

Is that still his view? Does he think that the recent consolidation has resulted in stronger institutions, greater financial stability or more competition? Can he really believe that, after he has seen what has happened over the last year?

Secondly, let me ask him about the details of this £39 billion bail-out. He said that it was broadly the same as the deal that he put before the House of Commons in February, and presented the various numbers involved in that deal. Of course, what he was actually doing was comparing apples with pears. In February he told us that RBS would get a £13 billion capital injection and a £6 billion contingency reserve—he just added to the total today—and today he says that it is going to get £25.5 billion capital injection and an extra £8 billion in reserve. Will he confirm that this is not the same as the deal he announced in February?

The Chancellor talks about the asset protection scheme. Again, will he confirm in public what everyone involved in these negotiations is saying in private—that the asset protection scheme he announced in January proved to be unworkable, impossible to negotiate and incompatible with European state aid rules, which is why he has had to go back to the drawing board? When did he realise that the asset protection scheme would not work? Why does he think that the United States has been more successful with its public stress tests in leveraging private capital into its banking system so that, unlike Britain, it is not turning to the taxpayer for further large-scale capital injections?

Will the Chancellor confirm that the Royal Bank of Scotland will not be paying taxes even when it returns to profit? That is a remarkable circumstance that I suspect will be a feature of several debates in the House over the next few months. What signal does that send to the rest of the global banking sector which is trying to minimise its UK tax bill at the moment?

On bank lending in the real economy, every time the Chancellor has announced another form of bank bail-out, he has promised that it would lead to more lending. In October the Government said that their banking policy would

"ensure the flow of money to small businesses and families".—[*Official Report*, 20 October 2008; Vol. 481, c. 30.]

In January they said that their banking policy would

"get lending going in the wider economy".

Perhaps they believe that they have succeeded, because Lord Myners has been telling everyone today that there is no problem with credit in the economy. Will the Chancellor confirm that the latest evidence shows that the flow of lending to businesses has now fallen for the seventh consecutive month, and the money supply is now shrinking at the fastest rate since records began?

The Chancellor again tells us of his changes to the banking system. He promises yet another banking Act, but the verdict of the Governor of the Bank of England is simple: there has been "little real reform" under this Government. Meanwhile, credit and confidence remain in desperately short supply, and still the Chancellor and Prime Minister have no plans to provide either. Indeed, as Treasury questions have just demonstrated, they do not have the simple answer to the simple question of why Britain is still in recession while the rest of the world is in recovery.

That is the truth about this Government. They went around boasting that they had saved the world, but they are still trying to save the British banks, and they have not got on to saving the British economy.

Mr. Darling: The hon. Gentleman raises several points, to which I will reply—but what I find difficult to take is the impression that he gives that somehow he is against these measures, whereas his deputy was on television today saying that he agreed with what we are doing. Indeed, the hon. Member for Fareham (Mr. Hoban) was asked by the BBC interviewer,

"would you have not done this?"

and he went on to say:

"it's worth reminding people, no bank here has collapsed, no individual, no business, had all of their savings wiped out and that is because of what the Government did".

[Interruption.] No, it was not the hon. Member for Fareham who said that. What he said was, "Absolutely". He agreed with what was being said, and he went on to say that he supported the measures that I am announcing today. *[Interruption.]* I will answer all the points that the hon. Member for Tatton (Mr. Osborne) made, but the House should be aware that the Conservatives' position at the Dispatch Box is rather different from the position that they take outside the House.

The hon. Member for Tatton went on about what "everybody's saying in private". I remind him that what everybody is saying in private, and increasingly in public, about him is that he tends to play politics rather too often on issues that are far more important than that.

The hon. Gentleman asked about the break-up of the banks. To argue that we have been against that recently is nonsense. I said in the Mansion House speech in June

that one of the things that we had to do as we stabilised the banking system was to get more competition in the system. The hon. Gentleman also mentioned what I said last year about Lloyds-HBOS. Yes, we did support that merger, because at that stage financial stability was important. I remind him that he agreed with that as well, and he went out of his way to say that he had spoken to the people involved on both sides and assured them of the Conservative party's support. There is not too much between us on that point.

As for the point about bonuses, it is not true to say that our position is the same as his. I remind him that on Sunday night, when he put out his press release in anticipation of the statement on bonuses, he said that it would apply to British retail banks. By Monday, when the wind started to blow the other way, there was a subtle change and the investment banks were included. It was still only British banks though, while our measures affect all major banks based here. With RBS and Lloyds, we have gone further than any other country in restricting the amount of bonuses that executives can receive, and that goes far further than he or anyone else has suggested.

The hon. Gentleman asked some specific questions about RBS. Yes, it is a large sum of money—there is no doubt about that—but RBS was one of the largest banks in the world. Indeed, by some measures it was the largest in the world. Unfortunately, however, it got itself into huge difficulties—partly, as I said, because of the acquisition of ABN Amro, and partly because, frankly, parts of its operations had taken on risks that it could not manage, and it did not have enough capital. As he correctly recognised, our choice is whether to support it. If we did not, however, not only would RBS fail, but the knock-on effect would be catastrophic. I appreciate the point about these being large sums of money, but they are unavoidable.

As for the £25 billion, I went out of my way in my statement to break down how the figures are calculated, so that the House could see what the position is. The hon. Gentleman is right to say that the £8 billion contingent capital is new—that will only happen if the core tier 1 ratio falls below 5 per cent., or there is a severe downturn—but stress tests have been carried out, and the FSA believes that the £25 billion that we have put forward today is sufficient.

The hon. Gentleman asked about the asset protection scheme rules. He is right to one extent: they were not consistent in January with Commission rules—but that is because there were no rules from the Commission in January, because this is all new territory. The Commission has had to work up rules during the course of this year. While those were being worked up, obviously we found out more about the assets, and the Commission found out more about what is going on in other banks in other parts of Europe—and yes, that has developed.

The hon. Gentleman asserted that in America there is no public money. Tell that to the US Congress! The then American Administration had no end of difficulty in getting the legislation through, because it involved public money. It is simply not true, therefore, that America is managing to do this without involving the public. That simply is not right at all.

The hon. Gentleman also asked about lending. It is important to consider closely what is happening in the economy. In September the stock of gross lending to businesses was £492 billion, which compares with a gross stock flow of £478 billion in September two years ago—just before the crisis. So money is being lent. At the same time, however—this is the point that Lord Myners made in the interview on "The World at One"—undoubtedly one thing that happens during recessions is that businesses repay their money as well. At the same time as more lending, therefore, money is also being repaid. That said, everybody agrees that there are still problems with lending and cases of businesses not getting money when they probably should get it, and that there are still problems with pricing. The difference between the Government and the Conservative party is that we propose to do something about it.

In conclusion, I very much welcome the support of the hon. Member for Fareham for what we are doing, and I hope that at some point during the day he can have a word with the shadow Chancellor. Then perhaps we will see universal support for what we are doing, because I think that that is the right way forward.

Dr. Vincent Cable (Twickenham) (LD): I thank the Chancellor for giving us good notice of this statement, but may I check the numbers involved? We have the £25.5 billion for RBS, the £3.3 billion after the fee for Lloyds, the £8 billion contingent capital commitment and the £282 billion insurance for the RBS toxic assets. Why did he not also mention that—as I understand to be the case—RBS has been given an additional £10 billion in tax write-offs, which were not previously accounted? Can he explain that?

On remuneration and bonuses, will the Chancellor explain in simple terms why state—or state-supported—banks are still paying bonuses at all? A bonus is surely a bonus, whether it is paid now or in three years' time. Why do he and the Conservatives think that it is a great discipline and hardship for the bankers to be asked to wait three years for their Ferraris? The Walker report on remuneration says that banks should declare their remuneration packages. Given that the Government have adopted that proposal, will the Chancellor be clear about whether that will be compulsory or voluntary?

On lending, is it not true to say that if we take into account net lending, which the Chancellor has just mentioned in relation to repayments, the banks are falling well short of their obligations to lend to solvent British companies? Is it not also true that Lloyds has been trying to wriggle out of its lending obligations by opting out of the asset protection scheme? Can the Chancellor therefore clearly explain the nature of the banks' lending obligations? Are they binding and what sanctions are applied if the banks fail to meet them?

Finally, I want to raise the issue of the breaking up of the banks through the sale required by the European Commission, which I welcome, in order to stop the process by which banks have long been ripping off their customers. Is it not true that the break-up relates purely to 10 per cent. of the banks' assets? The one issue that neither the Commission nor the Chancellor has dealt with, but which the Governor of the Bank of England has raised, is the continued existence alongside each other of retail banks and the large speculative trading operations—the so-called casinos.

The Government have set their mind against implementing the advice of the Governor and have opted for a more gradual regulatory approach. However, is it not right that private banks that continue to benefit

[Dr. Vincent Cable]

from those guarantees should compensate the taxpayer for the considerable benefit that they thereby derive? We should not today simply be discussing transferring public money from one pocket to another, but discussing how the remaining private sector in the banking system continues to benefit enormously from the guarantees that the Government continue to give it, in the event that it should fail.

Mr. Darling: Let me deal with the hon. Gentleman's questions in turn. First, I explicitly mentioned tax losses in my statement. *[Interruption.]* He is kind enough to acknowledge that.

I take a slightly different view on bonuses from the hon. Gentleman, in that I do not think that they are wrong in themselves. There is everything to be said for rewarding good behaviour or ensuring that the interests of the executives are the same as the public interest, which is what we are trying to do by ensuring that they cannot get bonuses for three years. Also, there is a distinction to be made between, on the one hand, somebody who is paid large sums of money and, on the other, the many bank employees who work in branches or back offices who are not on large salaries, and who in some cases are paid pretty modest incomes.

That is why we said that people earning less than £39,000 could get bonuses, but individually we are talking about several hundred pounds, or perhaps up to £2,000, which is nothing like the large figures that are commonly thought of as bank bonuses. That is especially important at a time when, as I said in my statement, there are many bank employees who are understandably worried about what is happening, but who never got the great bonuses. I am thinking of the many constituents of mine who were employed by RBS and, in particular, HBOS who were paid in shares that are now worth an awful lot less. We must ensure that we treat people on lower, modest incomes properly.

On Sir David Walker's recommendations, which we will get at the end of this month, I have said that we will legislate to implement them. We will have to see what he comes up with at the end of the day, but I hope that we can accept his recommendations.

The hon. Gentleman mentioned lending. He has said again today—and on the "Today" programme at 10 to 9 this morning—that Lloyds has got out of its lending conditions. No, it has not: as I said in my statement, both Lloyds and RBS have to stick with the lending agreements that they have already reached. I do not want to labour the point that I made about lending, because I accept that there are still problems, but it is important to look not just at the net position, but at what is happening in lending and accept that during a recession it is understandable that businesses with big exposure to the banks might want to reduce that.

On the breaking up of banks, the hon. Gentleman asked the wider question of whether we should divide retail banks and investment banks, which we have discussed before. The best illustration of the difficulties in that is this. For obvious reasons, we had to step in and save Northern Rock, which was a very narrow, conventional retail bank that lost money in pretty conventional ways. However, let us take Lehman Brothers, on the other hand, which was at the more exotic end of the market and had no retail depositors. The then American Government tried out what the hon. Gentleman suggests and let it go down, and look what happened: the entire world's financial system almost followed it down the same hole, which is what led to the action now being taken by Governments.

That split does not work in practice. However, the legislation that we are going to introduce to require larger banks to make what are colloquially referred to as "living wills", whereby the banks look at their businesses and see how they could separate them out in a crisis, so that regulators and Governments can decide what to do if they got into trouble, is a much more productive way forward.

I hope that I have answered all the hon. Gentleman's questions, because they are perfectly sensible questions to ask, but I think that we have taken the right decision.

Several hon. Members *rose—*

Mr. Speaker: Order. Twenty-three Members are seeking to catch my eye, and we have another statement after this, followed by the Committee stage of an important constitutional Bill, so, as always, I am looking for single, short supplementary questions and for economical replies.

John McFall (West Dunbartonshire) (Lab/Co-op): Is not the story here that RBS is in a worse state than everyone thought last February, and that the Bank of Scotland aspect of HBOS was a basket case? The message is that capital injection is necessary in order to stabilise the banks and to ensure potential returns for the taxpayer, but the Chancellor will be aware that lending is still a problem. I get hosts of e-mails and messages from people saying that the demand is there, but the banks are holding on to the capital. Does my right hon. Friend agree that the lending agreements should be made transparent, so that we can monitor and track the lending in this country?

Mr. Darling: I agree with my right hon. Friend on that point. It is important that we get to the bottom of all these lending problems, and I am sure that he, like me, will know from constituency cases that it is helpful to understand the difference between what a bank is saying and what a customer is saying. The more openness there is, the better, and I have already referred to the charter that the banks have signed up to.

My right hon. Friend's general point is also a perfectly good one. For all the bluster on the other side, this is a necessary step. There are huge lessons to be learned, on the part not only of Governments and regulators but of bank boards. The boards really must understand what they are doing, and it is manifestly obvious, certainly in relation to HBOS and RBS, that rather too few questions were asked in those boardrooms.

Mr. John Redwood (Wokingham) (Con): Why have the authorities lurched from boom regulation, involving too little cash and capital for excessive lending, to bust regulation, which wants too much cash and capital for too little lending?

Mr. Darling: I hope that we can avoid that sort of thing. We have to ensure that there is adequate capital, and it is the FSA that has to assess the adequacy of capital in each case.

John Reid (Airdrie and Shotts) (Lab): I think that there will be a broad welcome for the restructuring of the individual deals and of the banks themselves, because this will benefit consumers and taxpayers, but is the question of lending not absolutely crucial? Will my right hon. Friend assure me that, when the banks are restructured, the retail side that is set up anew will have the capacity to lend to small and medium-sized enterprises? If that is not to be the case, what measures will he take—including introducing transparency—to ensure the continuity of lending and open commitment implications that have already been agreed? Perestroika is all very well, but we need a bit of glasnost too.

Mr. Darling: My right hon. Friend is right. It is important that new entrants to the market lend not just to the mortgage market but to the SME sector. That sector is critical to the future of this country: it employs the most people, we are likely to see a lot of growth in that area, and we must ensure that credit is flowing there.

Mr. Michael Fallon (Sevenoaks) (Con): Does not the new contingent capital guarantee provided to RBS show that the Governor's concern about the amount of moral hazard remaining in the system is still unanswered?

Mr. Darling: What it shows is that, given the nature of RBS and the fact that it may need more capital, we and the FSA believe that the £25.5 billion-worth of capital that we are putting in is the right thing to do. On the more general point, we are trying to get a safer, more stable banking system, because that is the only way in the long run to get back to a situation in which people realise that there is inevitably a degree of hazard in the industry. What we want to avoid is taxpayers being stuck with the downside when things go wrong.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Will the Chancellor confirm, on the question of lending, that the banks' commitments are in respect of net lending only? Will he also confirm that a condition of the bankers' bonuses is that they will be tied to their banks achieving those levels of lending?

Mr. Darling: I think that we need to develop this further. In my statement, I said that the lending commitments will continue. Net lending is a measure of how much additional lending is going on, but it does not give us the whole picture, particularly during a recession when firms that can afford to do so are inevitably paying down their money. The key point will be when the economy begins to recover. When firms start to grow, and to go to the banks for money, we must ensure that there is credit for creditworthy customers.

Sir Peter Tapsell (Louth and Horncastle) (Con): Why cannot the Chancellor see the looming spectre of mass unemployment in the next banking crisis, which will be even greater than that of 2008 unless he moves to prohibit the commercial banks from indulging in investment banking? His repeated references to Lehman and Northern Rock are completely irrelevant, as various commentators have pointed out.

Mr. Darling: Actually, I thought that quite a few commentators had pointed out that the comparison was relevant; as the hon. Gentleman knows, there has been quite a lot of debate about this over the past three or four weeks. On unemployment—I think that the hon. Gentleman, given his Keynesian background, would support me on this—I believe that it is up to the Government to do everything they can to try to get people back into work as soon as they lose their jobs. That is particularly relevant to quite a lot of the banking redundancies that have been announced in the past 24 hours.

Our objective must be to try to prevent such a crisis in the banking system from arising again, and I do not think that the split that the hon. Gentleman and the hon. Member for Twickenham (Dr. Cable) referred to would avoid the problem. When confronted with a Lehman or an AIG—the insurance company in America—I cannot see how a Government could simply walk away from the consequences of such a situation.

Mr. Mark Todd (South Derbyshire) (Lab): We can assess the value of the asset protection scheme as applied to RBS only if we know a little more about the due diligence that has been conducted and the sensitivities that have been applied to that exercise. Will that be published together with the other details of the scheme when it is made available to the House?

Mr. Darling: The due diligence was conducted by the regulator—the FSA—and we will publish the details once they are finalised. As the House will know, we have set up an agency to run the asset protection scheme, which will of course be subject to audit by the National Audit Office.

Stewart Hosie (Dundee, East) (SNP): The original decision to merge the banks certainly reduced competition on the high street; I hope that today's announcement on the disposal of parts of the banks' retail networks will help return competition to the high street. However, the statement also referred to the disposal, for example, of Intelligent Finance from Lloyds and of the insurance division of RBS, which are both important employers in Scotland. May I ask the Chancellor to confirm that no disposal or sell-off of those divisions or business arms will take place without the strongest possible guarantees about employment and decision making in Scotland?

Mr. Darling: I agree with the hon. Gentleman that employment and jobs are very important. As he rightly says, there are many employees working for parts of the Lloyds Banking Group and RBS in Scotland, as I know very well. It is important to do everything that we can to protect jobs. It is worth bearing in mind that, had we done nothing 12 months ago, those two banks would have gone absolutely and there would have been huge job losses as a consequence.

When it comes to disposals, I hope that we will do everything that we can to ensure that employment is maintained in Scotland—and, indeed, in other parts of the country. The hon. Gentleman will be aware that RBS has, from time to time, said that it wanted to sell Direct Line and Churchill in particular, but for various reasons it did not do so. Inevitably, there will be restructuring from time to time, but the jobs issue is very important.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): The Chancellor is asking the British taxpayer to guarantee £280 billion-worth of RBS loans. How much of that is outside Britain?

Mr. Darling: When the details are finalised, I intend to publish—I will lay a copy in the Library—the breakdown of where the loans are. My hon. Friend will then be able to see for himself. Let me make this general point. Understandably, hon. Members will be concerned about loans that are outside this country. The difficulty we have is that, as I said, RBS is one of the largest banks in the world and a lot of what it did was overseas. Unfortunately, when it comes to the stability of the bank and therefore of the rest of the system, it is not possible to make the intellectual distinction between what is here and what might be overseas. I confirm to my hon. Friend that I will publish those details.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The Chancellor has made it plain in respect of the restructuring of Lloyds and RBS that bids will be confined to the smaller competitor or new entrants to the market. Does not that mean that a lower price will be obtained than would have been the case if the ability to bid were more widespread, so this approach will involve a loss to existing shareholders and, surely, to the taxpayer?

Mr. Darling: As I have said before, it is important that we get money back for the taxpayers. However, if all the parts of the banks that were divested by RBS and Lloyds were swallowed up by Barclays or Santander or HSBC, we should end up with only half a dozen people in the business of lending. That is not enough. We already have too few loan providers in this country. Of course, potentially, we have the building societies and some of the smaller banks, but at present, for obvious reasons, they are fairly quiet on the lending front.

Simply letting the bits be swapped from one bank to another would be wrong. Besides—this is relevant to what was said by the hon. Member for Dundee, East (Stewart Hosie)—questions would be raised over employment. I think that we are pursuing the right course, because it must be right for us to get new entrants into the market: that must be good for the whole economy.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): Given that this latest danegeld to the banks will cost an extra £40 billion—in addition to the £50 billion already spent on bailing them out—why is my right hon. Friend so enamoured of this busted, out-of-control, casino-market model of banking which costs the taxpayer such gargantuan sums? Why does he not instead renmutualise the three spin-offs, especially Northern Rock? That would be infinitely less costly for the taxpayer and infinitely more secure for the depositor.

Mr. Darling: I am not sure whether my right hon. Friend was in the House during Question Time, when I was asked about Northern Rock on two occasions. Let me briefly repeat what I said then. I should be very happy to see a mutual option, but whoever came in would have to come in with sufficient capital to ensure that that was possible, because Northern Rock still owes quite a lot of money to the taxpayer.

As for my right hon. Friend's point about banking generally, he and I may disagree on this—as we have from time to time—but I think that a properly functioning commercial banking system is quite a good thing. What I want to do, though, is ensure that it is properly supervised, regulated and capitalised, and operating in a way that suits the interests of people in this country.

Mr. Rob Wilson (Reading, East) (Con): Does the Chancellor wish to pass on the Prime Minister's personal apology to taxpayers for arranging the shotgun wedding between Lloyds and HBOS?

Mr. Darling: If I were the hon. Gentleman, I should be very careful before saying such a thing. He may wish to have a word with the hon. Member for Tatton (Mr. Osborne), the shadow Chancellor, who made a point of telling the country that on the day in question he spoke to those involved on both sides, and said that the Conservatives fully supported that particular merger.

Malcolm Wicks (Croydon, North) (Lab): Given the proud and honest record of the mutual building societies, in contrast to what has happened in the commercial sector, why are the Government not more enthusiastic about options to enable and facilitate the remutualisation of parts of the banking sector, perhaps starting with the decent part of Northern Rock?

Mr. Darling: As I said to my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher), I would certainly not be opposed to a proposal in relation to mutuality if one came along, but it would have to come with sufficient funds. The other point is that, as my right hon. Friend will recall, while it is true that most of the trouble has been visited on the non-mutual sector, one or two mutuals did get into trouble. A lot of that has to do with the management rather than the structure. I am not against mutuality—far from it. I should like to see more of it, but it does need to be funded.

Mr. Julian Brazier (Canterbury) (Con): Does not yet another expensive restructuring announcement highlight the weaknesses in the tripartite system for supervising banking and, indeed, monetary policy?

Mr. Darling: No, it does not. I think that the hon. Gentleman is rather missing the point. The reason RBS got into trouble was that the regulatory system needed to be tougher. It is clear that its then board did not know what it was doing.

Chris McCafferty (Calder Valley) (Lab): Does my right hon. Friend agree that today's statement from Lloyds represents significant progress towards its operation as a fully commercial enterprise? Does he agree that the payment of a £2.5 billion fee to the Treasury for trading benefits of the asset protection scheme last year represents a good deal for the taxpayer?

Mr. Darling: It represents the start of the process of ensuring that we get money back for everything that we have done. That is one of the objectives that I believe to be very important.

Mr. John Greenway (Ryedale) (Con): Does the Chancellor agree that many home owners have no choice about their mortgage providers because they have no equity, and therefore cannot switch to a more competitive marketplace? Will he ensure that if institutions such as Cheltenham & Gloucester and, perhaps, TSB in Scotland are sold to other lenders, their standard variable rates will not increase, given that there is every prospect of their being bought by an institution with a higher SVR?

Mr. Darling: It is important that when the disposals take place and new companies come in, there is as much communication as possible with people who have mortgages, so that they can see what the position is and what choices are available to them. For example, I know that Northern Rock is about to write to all its savers and mortgage holders explaining what is happening and people's options. To some extent it is inevitable in any competitive market that different providers offer different rates. As we go through this process, people need to be told that they have a choice. Equally, if somebody does not want to go to a new bank, they always have the option of staying with the bank they came from. As much as is possible, people must be able to make those choices.

Tony Lloyd (Manchester, Central) (Lab): The country will be grateful that we have a Chancellor who puts the national interest ahead of tomorrow's press release. Companies involved in high science and high technology are finding it difficult to obtain money from the current banking system. Will the Chancellor look into whether we need either banks devoted to that or special instruments within the banking system to guarantee access to finance?

Mr. Darling: My hon. Friend is absolutely right about a lot of high-tech investment and the need to encourage it. That is one of the reasons why I announced measures in the Budget and the Prime Minister has announced measures through the innovation investment fund to try to help to fill the gap where the commercial banks are not operating. It is very important that we support that. Regardless of whether it is done through the commercial banks or through Government help, I want to keep the issue at the forefront of what we are doing because our future depends on it.

Philip Davies (Shipley) (Con): The Chancellor did not mention Bradford & Bingley, which might indicate his lack of interest in it, but he did mention Northern Rock and measures to keep it lending and to facilitate its return to the private sector. Will he explain the following to people in my part of the world? Whereas Northern Rock was a basket-case organisation that had been taking emergency funding for months and months and is still a going concern, Bradford & Bingley, which he must admit was not in any way in as bad a shape as Northern Rock at the time, was dismantled and is being wound down.

Mr. Darling: The hon. Gentleman is not quite right about that. If Bradford & Bingley had been doing all right, it would not have reached the situation where its directors believed that it was no longer a going concern. The Financial Services Authority had to step in because Bradford & Bingley got into difficulties; I am afraid that that fact is incontrovertible. We took prompt action to ensure that the part of the bank that was viable—the front end of it—was transferred to Santander. The rest of it and the management of the mortgages is something that we will have to handle in the longer term. How the hon. Gentleman can claim that there was no need for the bank to have any assistance whatever is very difficult to fathom.

Mr. Gordon Prentice (Pendle) (Lab): With the sale of 900 bank branches, might we see the Bank of China on our high streets?

Mr. Darling: At this stage, I do not know who is likely to be bidding for these banks, but, obviously, we will need to make sure that whatever safeguards we think are appropriate are in place. I make the general point, however, that the British financial sector is what it is largely because it is pretty international and, provided we have the right regulation and supervision, that will be good for us in the long run.

Mr. Brooks Newmark (Braintree) (Con): The Chancellor said in his statement that before we could reach a binding agreement with RBS we needed to carry out due diligence on the assets. What was the level of write-down after, as opposed to before, in respect of RBS's balance sheet on those assets?

Mr. Darling: I said that we and the FSA had to carry out due diligence; the FSA has carried out that due diligence. As to write-downs, they will appear in the bank's accounts.

Rob Marris (Wolverhampton, South-West) (Lab): Canada has some of the biggest banks in the world, Canadian banks undertake both investment and retail banking, and the most robust banking system among the G20 countries during the world recession has been Canada's. What lessons does the Chancellor draw from that?

Mr. Darling: There are a number of points that could be made in relation to the Canadian economy, but on its banking system I repeat the point that I do not think it is possible to make the neat distinction between a simple bank and a complex bank and to assume that one will get into trouble and the other will not. That is why I take the view that we have to approach these things as they are, rather than as we might wish them to be.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): There certainly will be concerns in Edinburgh about what this means for jobs in my constituency and other constituencies in the city, and I welcome the assurances that my right hon. Friend has given in that respect. What opportunities are there to build on what is happening, and to strengthen and bring innovation to the financial sector in Edinburgh—for example, through the suggested re-establishment of a Scottish-based bank—as part of the restructuring of the banking system resulting from these announcements?

Mr. Darling: My hon. Friend is right: both of us represent a city that is home to very large financial institutions, many of which in the non-banking sector are doing very well; that is an important part of the Edinburgh economy. Both of us are focused on the fact that, whatever happens, jobs are very important, because for the most part these are good-quality jobs that provide good employment. As we restructure the banking system—as we make it safer and better for people—jobs must be at the front of our minds, because that is very important for Edinburgh's prosperity.

Higher Education

4.26 pm

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): With permission, Mr. Speaker, I should like to repeat a statement made by my right hon. and noble Friend the Secretary of State for Business, Innovation and Skills about "Higher Ambitions: the future of universities in a knowledge economy", which we are publishing today and placing in the House Libraries.

The last 10 years have been a decade of outstanding achievement for higher education in this country. Talented people and enterprising institutions, backed by public investment and reform, have delivered the twin objectives of widening access and creating excellence. When the Government reformed the universities' fees, we were told that students, especially poorer students, would be put off applying. The exact opposite has occurred. A record number of students now attend university, and the gap between socio-economic groups has narrowed, not widened. For the first time, 1 million students will start their studies this year, and the quality of student academic achievement is high. Drop-out rates have fallen by a fifth, and the number of firsts has doubled. This demonstrates that wider opportunity is not the enemy of excellence, as opponents of change have alleged.

We have a disproportionate share of the world's leading research universities. With just 1 per cent. of the world's population, we achieved 12 per cent. of the world's scientific citations. Institutions across the sector have contributed to this success—the newer universities, alongside the older ones. Public funding for both research and teaching has increased by more than 50 per cent. in real terms since 1997.

Universities have also developed new sources of income, and tuition fees are bringing £1.3 billion a year to boost the quality of a student's education. We should thank universities and their teaching staff, administrators and students for their outstanding record of achievement over this last period.

The strategy we are publishing today aims to set a course for an equally successful decade ahead, but new times and new conditions require some fresh policy choices and judgments. The coming decade will see public expenditure inevitably more constrained. Attracting the best students and researchers will become more competitive. Above all, it will be a decade when our top priority is to restore economic growth, and our universities need to make an even stronger contribution to this goal.

Able people and bright ideas are the foundation stones of a thriving knowledge economy. Producing both is what universities are all about, so in the next 10 years we will want more, not fewer, people in higher education, and more, not less, quality research.

Our first objective, therefore, is to ensure that all who have the ability to benefit can access higher education; there should be no artificial caps on talent. Our goal remains for at least 50 per cent. of 18 to 30-year-olds to enter university. We have made great progress in the number of people beginning a three-year degree at 18 or 19, but the challenge for the next decade is to offer a wider range of study opportunities—part-time study, work-based study, foundation degrees and study while at home—to a greater range of people. So we will encourage the expansion of routes from apprenticeships and vocational qualifications to higher education, and offer more higher education in further education colleges.

Inadequate information, advice and guidance at school still bars too many young people from fulfilling their potential. We will work with the Department for Children, Schools and Families to rectify that. To meet the social mobility goals in Alan Milburn's report, all young people must be encouraged to strive for challenging goals by teachers with ambitious expectations for them. Universities should also do more to reach out to young people with high potential. I want to make it clear that this Government will not dictate universities' admissions procedures, nor undermine excellence. All students must continue to enter higher education on merit, but I believe that merit means taking account of academic attainment, aptitude and potential. Many universities are already developing their use of contextual data, and we hope that all universities will consider incorporating contextual data into their admissions processes to assess better the aptitude and potential of those from less-privileged backgrounds. We are also asking Sir Martin Harris, who heads the Office for Fair Access, to consult vice-chancellors on improving access to the most selective universities, and he will report back in the spring.

The Government's second objective is for universities to make a bigger contribution to economic recovery and future growth. Knowledge-generation and stewardship in all subjects has public value and is important in its own right. It is vital, in particular, to creating wealth, through the commercial application of knowledge and preparing our people for employment. We have, therefore, decided to give greater priority than now to programmes that meet the need for high-level skills, especially in the key areas of science, technology, engineering and maths. New contestable funding will provide universities with the incentive to fulfil that priority. Areas where the supply of graduates is not meeting demand for key skills will be identified, and we will seek to rebalance this by asking the Higher Education Funding Council to prioritise courses that match the skills needs. We will look to business to be more active partners with our universities. Employers should fully engage in the funding and design of university programmes, in the sponsoring of students and in offering work placements. We believe that that is possible without compromising the universities' autonomy and educational mission.

Our third objective is to strengthen the research capacity of our universities and its commercialisation. The investment of the past decade has greatly strengthened the public science base, and we will continue to protect its excellence. That will require a greater concentration of world-class research, especially in the high-cost scientific disciplines. Research excellence is, of course, spread across a wide number of institutions and subjects. The challenge now is to develop new models of collaboration between universities and research institutions, so that the best researchers, wherever they are located, co-operate, rather than compete for available funds.

The Government's fourth objective is to promote quality teaching. The quality of education provided by our universities is generally good, but it needs to be higher. I welcome the action that universities are taking to raise standards in teaching and to strengthen the external examiner system. Students deserve nothing less. They will rightly expect to be better informed

about how they will be taught and about their career prospects. We want the Quality Assurance Agency for Higher Education to provide more and clearer information to students about standards in our universities. Students' expectations and actual experience should be central to the quality assurance process.

Our fifth objective is to strengthen the role of universities in their communities and regions as well as in the wider world. Universities provide employment, enhance cultural life and offer many amenities to their surrounding communities. They shape and communicate our shared values, including tolerance, freedom of expression and civic engagement. We will support universities in safeguarding these values.

We will ask universities to continue to develop their role in local economic development with the regional development agencies and with business. The Government will also do more to champion the international standing of our universities as world leaders in the growing market for higher education across borders and continents, including by e-learning.

In the decade ahead, we will expect more from our universities than ever before. They will need to use their resources more effectively, reach out to a wider range of potential students and devise new income sources while maintaining excellence. As we look to our universities to do more, we will also need to look afresh at securing the funding that excellence requires and at how all who benefit from higher education—taxpayers, students and the private sector—should contribute.

It was agreed in 2004 that the new fees structure in England should be reviewed at this stage, and the Government will make an announcement about that shortly, but I should stress that we will seek a properly and fairly balanced approach without placing an unreasonable or counter-productive burden on any single source of funding.

At the heart of the framework published today is a strong and creative vision of higher education, with strong, autonomous institutions with diverse missions and a common commitment to excellence, a shared framework for extending opportunity to all who can benefit, and our universities as a cornerstone of our country's cultural and social vitality and a centre of our future economic prosperity. I commend the statement to the House.

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Mr. David Willetts (Havant) (Con): We welcome the publication of the document and I am grateful to the Minister for giving me advance sight of it. It has, of course, been a long time coming. The whole exercise began in February 2008, so its gestation period matches that of a slightly premature elephant, I gather. Meanwhile, not only has the Secretary of State who launched the exercise moved on but the whole Department from which it was supposed to originate has been abolished. We are rather relieved to see the document at all.

We should thank the experts from the world of higher education who have contributed their reports to this exercise. I very much agree with what the Minister said about the strength of our universities, in which we can all take great pride. The next step, of course, is the funding review. Will the Minister confirm that all parts of the higher education sector, including students, will have an opportunity for their voices to be heard in that exercise? Will he confirm that the funding review need not be limited to the framework set out in the document published today?

The Conservatives particularly welcome what the framework document says about the importance of teaching and of information for students and prospective students. Students are not just consumers, but when they are paying so much for their university education, we can well understand that they become consumerist and want information about what they will get in return for the fees that they pay.

We, of course, have been working with Microsoft on a pro bono basis to ensure that such information is easily accessible for prospective students. Indeed, I called for it to be available almost two years ago now. We are relieved that Ministers in the Department have caught up with this agenda, which is extremely important. But why is the QAA to be put in charge of releasing the information? Students' demand for more information may not be best met by that quango. Surely we need to use far more imaginative ways to make the information available to students and prospective students—such as via websites and social networking sites, or third sector and other organisations. I very much hope that the information will be available in a wide and accessible way.

There also need to be strong incentives for good teaching, to match those that already exist for research. I want to ask the Minister about research and the STEM subjects. Of course, STEM subjects make a very important contribution to the growth of our economy, but it was disappointing that, in the context of research, the Minister referred in his statement to those subjects only. Is he not aware of the dynamism of our creative industries, and of the crucial role also played by the arts and humanities? Does he recognise that a dynamic and well-balanced economy needs to draw on the dynamism and research capacity of university departments in the arts and humanities as well as those in STEM subjects?

A key theme in the statement was broadening access to university. We recognise the importance of that agenda, to which the Minister said reference was made in the excellent report from Alan Milburn, whom we think of as the right hon. Member for Darlington. However, I think that the Minister has ignored some of the very sensible ideas in that excellent report, and embraced some rather risky ones.

The report calls for a proper independent careers service to take the place of Connexions. The Conservatives strongly support that proposal, which we have advocated as well. The Minister came to the House to talk about open access to university and social mobility, so it is a great disappointment to find that his Department and the DCSF have failed to embrace the proposal for an independent careers service. Many people believe that it would improve access to information, and hence access to university, for people from a wider range of backgrounds.

Meanwhile, the Minister flirts with contextual data for university admissions. I warn him to be very careful in this territory. There are, of course, excellent initiatives, such as the one that links King's college London with Guy's and St. Thomas's hospitals. It takes students from poorer backgrounds who have less good A-level results and gives them a high-quality medical education. Does the Minister agree that that excellent initiative should be repeated?

[Mr. David Willetts]

Students and their parents will lose confidence in the integrity of the university admissions system if it is used for crude class warfare. We need to hear from the Minister how he believes that this contextual information will be used. Today, it is students from households on modest incomes who are suffering the most from problems such as those afflicting the Student Loans Company. The Minister tells the House about broadening access to university, but does he not recognise that it is students from the poorest backgrounds who are most desperate when they cannot get their maintenance grant or loan? Disabled students are having particular difficulty accessing their grants at the moment. Will the Minister take this opportunity to give us an update on that situation?

The Minister talks about progression from FE to HE, which is also very important for broadening access. However, will he confirm that, under this Government, the proportion of FE students progressing to HE has fallen from 9 to 7 per cent?

Conservative Members therefore believe in the importance of the debate that the framework document has launched and we will contribute to it positively. It is a pity, however, that in launching this useful document, the Minister has had to lard his statement with quite so much self-congratulation when the very problems that are rightly identified in the framework document and that need to be tackled are ones that have been developing in the past 10 years of this Labour Government.

Mr. Lammy: I am grateful that the hon. Gentleman broadly welcomes what we have said today. I did not seek to lard the Government for all that has been achieved. In fact, I congratulated the sector and students on much that has been achieved, but it is important at this critical stage to contrast the past 10 years with a previous period in which the unit of resource was cut—*[Interruption.]* Lecturers were paid less, students put up with poor facilities, and our research fell behind international standards. This is an important juncture at which we seek to—*[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Member for Reading, East (Mr. Wilson) should not maintain a sedentary conversation when the Minister is speaking.

Mr. Lammy: It is important to contrast that period with the present, as we look forward.

On the funding review, we always said that we would hold that when the first cohort of students come to the end of their studies. They did that this summer, so we will set up the review, as the hon. Member for Havant (Mr. Willetts) knows, because we have had conversations with him on Privy Council terms. I will make the announcement shortly.

The student dimension is central to that review. I would expect the review to take into account a range of student opinion. We also said that the review should look back at how the system has worked over the past few years, but it should also look forward. In looking forward, it must assist us as a nation better to support mature students and part-time students in particular, as we look at the student support mechanisms.

The hon. Gentleman is disparaging—I am surprised to see how disparaging he is—of the appropriate quality and inspection regime that exists for universities. I do not know whether that is indicative of a Conservative proposal for an Ofsted arrangement for our universities, but the Government have always sought to maintain the autonomy of the university sector while ensuring that we are not complacent about standards and quality.

That is why we think better student information is so important going forward. Students need to know what the employment prospects are when they embark on a course. They need to know the degree of independent learning, contact hours, the style of teaching and other important information. That is the direction of travel. At the same time, it is important that we are more public-facing in the national conversation that we are having about quality in the system.

It is a false debate for the hon. Gentleman to come to the Dispatch Box and try to draw an either/or about science, technology, engineering and mathematics as against art and humanities. It is not an either/or; it is an "and" and "both", but in underlining science, technology, engineering and mathematics, we recognise where we have come from. When we came to power, there was a campaign called Save British Science because things had got so awful for scientists and students in the sector. We cannot have that if we are to come out of a downturn.

We recognise that those subjects cost more. They are more expensive as a cohort of subjects than traditional arts and humanities. Of course we support the digital economy, low carbon and all the other areas that depend on the STEM subjects, but we are saying what industry and the CBI have said to us—that this area is critical going forward. It is critical to international collaboration. It requires more funds. We must support it, and we are making funding contestable to ensure that those universities that can add and do more are able to do so. We will be publishing our response to Alan Milburn's report—*[Interruption.]* The right hon. Member for Darlington (Mr. Milburn)—*[Interruption.]* Absolutely; I mean my right hon. Friend, and I was very pleased to speak to the Darlington constituency Labour party just a few months ago.

We will also be ensuring that our information, advice and guidance improve. That means a stronger role for Ofsted; the new statutory guidance that has been issued; working, in some schools, on teacher attitudes; identifying students more appropriately; and universities, particularly the more selective institutions, reaching deeper into schools, which is why we have asked Sir Martin Harris to do the work that he has done.

The hon. Gentleman has tried over the past few weeks to have his cake and eat it. He is part of a review; one week he speaks to one audience by indicating fee levels of £7,000, which we have not forgotten; the next week he attempts to speak to students by underlining their importance in the system; and today he plays to the audience—we know which papers he is trying to reach into—with his class warfare caricature contextual data. University and attending university, as he knows and agrees, is about attainment, aptitude and potential. That is why we have a UCAS form—so students can indicate that aptitude and potential.

However, we know that, for students from poorer backgrounds, sometimes that potential is thwarted; and I stand by those young people in constituencies such as mine, living on a housing estate and sharing a bedroom with four or five brothers or sisters, because if they achieve an A and two Bs, that achievement needs to be recognised. I welcome what universities are doing in

that regard. The hon. Gentleman commends the programme at St. George's medical school, and that is precisely what we are seeking to underline and support throughout our sector.

I am very pleased that 13 of the most selective universities have come together to work out how they can support each other on contextual data. The Government have sought to support them, but we are not responsible for admissions.

Mr. Deputy Speaker: Order. I am sorry to interrupt the right hon. Gentleman a second time, but this time my concerns are in his direction. He has now taken longer to reply to the questions than it took to put them to him. Bearing in mind the strictures of Mr. Speaker about the business that we have today, I hope that the right hon. Gentleman has concluded his reply to the hon. Member for Havant (Mr. Willetts), and that we can inject some extra urgency into the rest of the proceedings.

Mr. Lammy: Mr. Deputy Speaker, forgive me. Contextual data always gets me going—*[Interruption.]* The hon. Member for Bexleyheath and Crayford (Mr. Evennett) says, "On the careers service." We will respond to my right hon. Friend's report in due course.

Mr. David Blunkett (Sheffield, Brightside) (Lab): I welcome the framework, but may I suggest to my right hon. Friend that in the forthcoming review, it will always be better to have people—students and providers—inside the tent than commenting from outside? In the lead-up to the review, will he, along with his right hon. and noble Friend Lord Mandelson, reconsider the notion of penalising universities that decide, at their own expense and off their own bat, to take additional students who would otherwise be excluded and, therefore, unable to take up the opportunity of social mobility, to which all of us have been paying lip service?

Mr. Lammy: I recognise what my right hon. Friend says, with his wealth of experience in these areas. He might be aware that David Melville is looking particularly at the situation that arose at London Metropolitan university, where this has been a broader issue that may have bigger implications for the sector. My right hon. Friend is right to raise the matter, and we are looking into it.

Lorely Burt (Solihull) (LD): I, too, thank the Minister for prior sight of the statement.

It looks to me as though the educational cat has escaped the bag. In almost the last paragraph of the statement, the groundwork for raising university tuition fees seems to have been laid. I was shocked this morning when the Secretary of State attempted to defend this Government's introduction of tuition fees as a "bold and successful" move. In what way is saddling graduates with nearly £10,000-worth of tuition fees bold and successful? Of course students have the right to have high expectations, but that must not be used as an excuse to raise fees. The Secretary of State talked about students being more demanding, and rightly so, but why is the Minister apparently blocking the National Union of Students from being represented on the funding review panel? Perhaps he could comment on that.

Worst of all is the confirmation that the funding review will not report until after the election. Such collusion between the official Opposition and the Government will only fuel suspicion that the two parties are set to raise fees, doing nothing for widening participation and driving up social mobility in this country. The Minister talked about widening participation and universities being engines of social mobility, which is welcome. However, it should be remembered that his Government's record on widening participation is woeful, with only a third of first-time entrants to higher education coming from lower socio-economic backgrounds. The use of contextual data in the selection process will be a step in the right direction, but any plans to raise fees will have a huge impact on whether many young people even consider applying to university in the first place.

On strategic subjects, I welcome any effort to fit this country with the skills that we need to fulfil our economic potential. However, modern languages is experiencing funding cuts. It is important as a strategic subject in its own right, and it is currently in crisis in our schools. Will the Government consider making modern languages a strategic subject when it comes to funding allocation?

Obviously universities have a very important role to play in working with business and aiding our economic recovery, but it should also be borne in mind, as the hon. Member for Havant (Mr. Willetts) mentioned, that higher education gives students important skills and this country long-term benefits, no matter what subjects they are studying.

More transparency, choice and information is of course welcome, but I feel slightly uneasy about introducing the language of the consumer, particularly if it comes with a big price tag and students end up with a mountain of debt.

Mr. Lammy: On the hon. Lady's serious point, she will be aware of the Worton review on languages. I welcome that review. Professor Worton has recommended a new forum, which I am happy to chair, to try to ensure that university languages departments diversify and extend beyond traditional European languages, particularly in developing Chinese and some of the Asian languages over the next while. I welcome that and we will continue to consider the issue.

On the political points that the hon. Lady raises, the Liberal Democrats' position is constantly changing. I ask her to recognise that the leader of her party has changed their position and is flip-flopping between whether they are for tuition fees or against them, and I note the partisan nature of how they are seeking to do this. The point is this: the Lib Dems can abolish tuition fees only if they are content to cut numbers; they cannot have both. They cannot challenge us on widening participation and then stand by their position on tuition fees.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that if he had been one of my students and presented this statement as an essay many years ago, when I was a university lecturer, I would have said that it was a bit vague in terms of what it is trying to deliver? If this is the future of universities—there is some very good stuff here—can we be sure that the Government, if re-elected, will, year on year, increase the amount of money invested in this absolutely vital resource of our economy?

Mr. Lammy: I know that my hon. Friend is a quick reader, but I cannot believe that he has managed to consume the entire report quite so quickly. I promise

[Mr. Lammy]

him that there is meaty detail in the document. He is a valiant campaigner for funding for higher education, and I hope that he knows that the Government recognise that it is a key component of our economy and needs to continue to be properly resourced.

Peter Luff (Mid-Worcestershire) (Con): There is a great deal to welcome in the statement and also some things on which we need to encourage the Government to do further. I am particularly pleased to read in the report about the inadequate information, advice and guidance at school to which the Minister referred. The Government's recent response to the report of the then Select Committee on Innovation, Universities, Science and Skills on the subject was somewhat disparaging and dismissive of the concerns expressed. They have an opportunity to redeem themselves in a few weeks when they respond to the report of my Committee, the Select Committee on Business, Innovation and Skills, which made exactly the same point. I hope that they will flesh out the Minister's point when they do so, because it is extremely important.

Mr. Lammy: May I commend to the hon. Gentleman the relevant work that was published last week by the Department for Children, Schools and Families? It is an excellent contribution to ensuring that schools are equipped to be better in terms of the information, advice and guidance they offer over the next decade. There will be a role for Ofsted, an identifiable person in a school who is responsible for careers and new guidance for schools to follow, as well as the work that I have outlined today, which Martin Harris has set up. I hope that we will continue to reach further in considering how schools can better support students to make choices in higher education.

Mr. James Plaskitt (Warwick and Leamington) (Lab): I welcome my right hon. Friend's statement and particularly the progress that we have been able to make as a result of the 2003-04 changes in respect of widening access. In the forthcoming review of fees, will there be a presumption against a completely unrestricted fees market, which would make it impossible to maintain that progress on widening access?

Mr. Lammy: My hon. Friend puts his point well. He will recognise that there are a range of views about how best to get funding into the system. He mentions one way, but the Government set their face against it when they capped fees at the £3,000 mark back in 2003-04.

Mr. Rob Wilson (Reading, East) (Con): The Government have correctly identified that the expansion of the higher education sector in recent years has partly been driven by foundation degrees, but the really successful model lies in the US with community colleges. Is the Minister aware that community college students are generally funded under a tripartite system, with a third of the costs coming from business, a third from the state and a third from the individual? Is that financial model under active consideration by him and his Department?

Mr. Lammy: The hon. Gentleman is right that there is much to commend in the college system in the United States, but there is also much to commend in the role of both further education in this country and the post-1992 universities, which have been right at the centre of extending participation and account predominantly for the 54 per cent. of students in our system who are mature students, which is more than there are 18-year-old undergraduates. Yes, we can commend the States and look harder at the system there, but let us recognise that we have some real gems in our own country.

Dr. Stephen Ladyman (South Thanet) (Lab): I welcome the statement, particularly the part that is likely to lead to more science and engineering graduates in the long term. Does my right hon. Friend agree that sometimes the problem is not the lack of available places and courses for science and engineering so much as the lack of available students who want to study those subjects? What more can we do to encourage more young people to take an interest in those subjects and become science and engineering graduates?

Mr. Lammy: My hon. Friend is right, and we continue to work with colleagues in the DCSF and with Aimhigher associates, who are young people themselves and are returning into schools and inspiring a new generation of students. We work also with the professional bodies such as the Engineering Council, which has a range of schemes—I can think of a particular one in south London—and will hopefully produce a new generation of ethnic minority students who would previously not have considered science as being for them. We are also ensuring that business is better connected to schools, through our academies and a range of programmes such as our diplomas. That will inspire a generation of young people with the throughput and desire to progress in science, technology, engineering and mathematics.

Alistair Burt (North-East Bedfordshire) (Con): But to follow the point made by the hon. Member for South Thanet (Dr. Ladyman), is the Minister not more concerned about the lack of connection between universities and schools in relation to science? That lack of connection means that a number of science faculties now have to run remedial courses for their undergraduates, and that an increasing number of good-quality science courses are filled by an over-proportion of overseas students, because the offering being made by schools in terms of science undergraduates is not meeting the needs and requirements of universities. Does he not have to do more to close that gap between schools and universities to ensure that we get the science graduates we need?

Mr. Lammy: I do not recognise that caricature, because if the hon. Gentleman looks at the recent results at A-level science and at the cohort of young people doing science, he will see that both are up, never mind the number who take up postgraduate study, which has doubled since the previous Administration. Of course there is more we can do, particularly in relation to triple science, and the DCSF is doing that, but I do not recognise the caricature that he has presented.

Laura Moffatt (Crawley) (Lab): It is good to hear my right hon. Friend reiterate this Government's commitment to increasing participation. Does he agree that it is vital that we press ahead with the innovative schemes of university centres in new places, such as the one in Crawley, which was one of the last six selected? It is a fantastic innovation, under the leadership of Brighton

university, and it is co-located on a further education site to exploit the talent of new people who want to get into a university.

Mr. Lammy: May I congratulate my hon. Friend on her advocacy of a new university centre in her area? At its heart, it is about extending higher education to a cohort of young people and adults who previously would never have gone on to it. That is why we launched the scheme. I commend what has been achieved in her constituency and the wider consortium that has come together. I hope that she will be pleased at the emphasis that the Government have placed on mature students in the framework announced this afternoon.

Adam Afriyie (Windsor) (Con): The Minister has verbally painted a beautiful picture of the future of further and higher education through a wish list of what he wants for the future, but without offering an explanation as to how it might be achieved. I hope that that is in the documents, but he certainly has not explained it today. The only thing that was missing was motherhood and apple pie. My question is this: does he accept that his Government have actually shut down social mobility during their time in office, to the great disadvantage of the least advantaged in society?

Mr. Lammy: I rather like motherhood, and I rather like apple pie, but I must say that the hon. Gentleman knows a lot better in relation to social mobility. He remembers those young people abandoned to the old youth training scheme. He knows that the achievement of young people in the poorest constituencies in the country was dire because of underfunding in FE and schools and poor resources for universities.

Of course, we continue to stretch for more in terms of social mobility. That is why we asked my right hon. Friend the Member for Darlington (Mr. Milburn) to do his work and why we have set out to do more, but let me tell the hon. Gentleman that in every single constituency in the country, participation has gone up. In the poorest constituencies—the Hackneys, the Tottenhams and the Lambeths, and the inner cities of Manchester, Birmingham and Liverpool—participation has not only gone up since 1997, but the number of students has increased by more than 100 per cent.

Dr. Tony Wright (Cannock Chase) (Lab): My right hon. Friend mentions the role of the Quality Assurance Agency. Some time ago, I received a communication from it which said:

> "HE serves students best when it progressively and incrementally weans them off direct teaching".

On this view, presumably the most effective university is the one that teaches least or indeed not at all. If that is the official view, is it surprising that people feel that teaching is losing out to research, that junior staff often feel dumped on by senior staff in teaching terms, and that many students feel that they are not getting the teaching to which they are entitled?

Mr. Lammy: The QAA has sought to underpin one of the key values of higher education, not only in this country but in the world, and that is the principle of independent learning. A sixth former is different from an undergraduate student in the sense that the latter's learning is, yes, about teaching, but it is also about what they engage in independently as they make their path towards research. Across higher education, different mission groups and institutions place different emphasis on that, and I think especially of those institutions that bring the best out of students who might not have recognised that higher education was for them. The journey is about independent learning, and I disagree with the caricature that gives the impression that higher education is the same as school. That is why we reject a national curriculum and the idea that it is about contact with lecturers and academics: it is not.

Mr. Paul Truswell (Pudsey) (Lab): Is my right hon. Friend aware that Leeds university is planning to shed 700 staff? What impact does he fear that that might have on its ability to meet the objectives that he has so lucidly and eloquently outlined in his statement?

Mr. Lammy: I am not aware of the individual circumstances of that institution, but my hon. Friend will recognise that universities are autonomous and it is for university leaderships and their boards to make assessments of the appropriate balance between staff and pupils and the faculty mix at their institutions.

Point of Order

5.12 pm

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Mr. Deputy Speaker. As you know, we have a very busy afternoon. We have just had two statements. In the first, the exchanges between the Front Benchers took more than half an hour. That is perhaps excusable and understandable on a complex area of policy. In the second statement, the exchanges between the Conservative Front-Bench spokesman and the Minister alone took 27 minutes, and I have to say that it was mostly the Minister to whom we were listening, until you helpfully intervened. Is there any way of reminding Ministers that a leisurely approach is not always appreciated when a statement is being made to the House?

Mr. Deputy Speaker (Sir Alan Haselhurst): Some spokesmen from the Front Benches have a learned approach to matters, which may take a little longer. The Chair is conscious of time, and Mr. Speaker has underlined to Ministers on numerous occasions that there is an informal tariff—it applies equally to Opposition Front Bench spokesmen. Today, one in three managed to conform. It is important that we ensure the maximum time for Back Benchers, especially on a crowded day like this. I will not take up any more time, therefore, in repeating the obvious.

Onshore Wind Turbines (Proximity of Habitation)

Motion for leave to introduce a Bill (Standing Order No. 23)

5.13 pm

Peter Luff (Mid-Worcestershire) (Con): I beg to move,

That leave be given to bring in a Bill to specify the minimum distances permissible between onshore wind turbines of certain dimensions and the nearest habitation; and for connected purposes.

When Oscar Wilde wrote that

"Conversation about the weather is the last refuge of the unimaginative",

he obviously had not anticipated the controversy that onshore wind farms would generate. Bearing that in mind, I hope that any hon. Member planning to oppose this Bill will listen carefully to what I am about to say, and not base any remarks that they may have planned on false assumptions. In that spirit, at the outset I must make it clear that this is a bipartisan proposal: the sponsors of this Bill therefore reflect the political balance of the House, with more Government than official Opposition supporters. However, it does not, as far as I am aware, represent the official position of any major party—but obviously I hope that that may change.

Secondly, at this late stage in the Session the Bill has no chance of becoming law. I introduce it simply to stimulate an important debate. Thirdly, the Bill is deliberately modest in scope, and deals simply with the minimum distances that wind turbines should be away from houses. It has a simple purpose. Settling the issue would help local communities, planning authorities and, paradoxically, the wind energy industry itself.

At the heart of our politics we should place the ethic of reciprocity—the idea that everyone has a right to just treatment, and a responsibility to ensure justice for others. Put more simply, that means "Do as you would be done by". Sometimes, of course, we have to balance the different rights of competing groups. For example, a new high-speed rail line will be fought by communities close to its route, whatever the wider benefits that it brings. It is then that politicians have to choose.

A visit to the home of two of my constituents in the small settlement of Sheriffs Lench in the vale of Evesham started the process that led me to this Bill. When I saw just how close to their home ScottishPower Renewables plans to put a 125-metre wind turbine, as part of a larger wind farm plan for the area, I realised that I would not like that done to me. The turbines proposed are among the largest ever constructed in England. They will be half as high again as Big Ben and only a little lower than the London Eye—and in the open countryside that is huge. It is roughly equivalent to a 40-storey building.

In the case of this wind farm, the closest of those massive structures would be only 508 metres from the nearest home, with many more homes about 600 metres from a turbine. That is too close. I ask myself whether the wider social good is served by building such enormous renewable energy sources so close to the homes of hundreds of my constituents, or whether the sacrifice being asked of them, and the damage to be done to a beautiful part of the vale of Evesham, is too great.

I also noted that the turbines in Worcestershire would not be allowed in a similar location in Germany, or in large areas of Spain and Italy. Denmark is one of the most successful countries in the development of onshore wind power—and I understand that if Danish rules applied, the turbines in my constituency could be built, but many householders would become liable for compensation for loss of property value. England and Wales stand apart from the developing pattern of regulation of onshore wind on mainland Europe. Indeed, in Scotland, too, guidelines specifying what is acceptable are already in place.

I concluded that the disadvantages of the wind farm proposed for my constituency outweigh the likely benefits. If I felt that way, I had to do something, and the Bill that I am asking leave to present today is that something. My Bill has extraordinary levels of support around the country. Communities from the west country to Cumbria, from Gloucestershire to Derbyshire, from County Durham to East Anglia, and of course from Worcestershire, have bombarded me, and their own MPs, with e-mails.

I emphasise that the Bill is not a covert attack on any renewable energy technology, nor does it have its roots in any doubts about the causes and consequences of global warming. I am convinced by the consensus that human activity has at least added significantly to the scale of climate change, and has been the major driver of it. In any event, even the most sceptical critic of the climate change consensus would have to admit that the world's fossil fuels are running out, and that they are coming from increasingly unstable areas of the globe.

In the short run, there is probably enough reliable gas to see us through, if we build enough gas storage in the UK. Investment in new nuclear power can also make a big contribution to keeping the lights on over the slightly longer term. However, diversity is the key to our energy security, and that diverse generating portfolio must include a significant proportion of renewable sources. The UK is extraordinarily well placed to exploit other renewable technologies, as well as wind, such as the power of the oceans—tidal, wave and tidal flow, for example. In my view, we have foolishly underestimated the role that solar-thermal technology can play in providing hot water in homes, and we are late in introducing smart meters to reduce demand.

We must now invest in every available renewable technology and see which will work best for us in the future. That includes onshore wind turbines, but only in the right places. If other technologies can help us to meet our challenging renewable energy targets, and if wind power itself is still the subject of innovation—with smaller, more powerful, less visually intrusive turbines in development—it is right that we take, in the short term at least, a precautionary approach to the siting of onshore wind turbines very close to homes in England and Wales.

There are different concerns about wind farms. Noise, especially low-frequency noise, the flicker effect and the resulting health implications are just some of those concerns. I have been impressed by the personal accounts of such concerns in many of the hundreds of e-mails that I have received. However, although the science may not yet be settled on those matters, the visual intrusion of wind turbines is a matter of objective fact. It is that visual intrusion that my deliberately narrow Bill seeks primarily to address.

My Bill would specify minimum distances between turbines of certain dimensions and the nearest house. I propose that there should be no specific restriction on turbines below 25 metres in height, while wind turbines up to 50 metres high should not be located closer than half a mile to a home. Larger wind turbines up to 100 metres high should be at least a mile away, and the largest—those above 100 metres—should be at least one and a half miles from any home. There would be an important exception where the residents of homes within the buffer zone agreed to the construction of the turbines. They might do so because they stood to gain financially from the construction—something that the industry should look at more carefully—because they had received compensation for loss of amenity or the reduced value of their homes, or simply because they supported the application.

I agree that the figures that I have proposed are arbitrary, but all rules are to some extent arbitrary. Why not have a speed limit of 75 mph on motorways? Why have different ages for the legal purchase of different products or for beginning certain activities as young people grow up? We have to draw the line somewhere, and the limits that I have set out are where I propose the line should be drawn for wind turbines. I am a traditionalist, hence the use of miles. However, I would happily accept an amendment to make the distances 1 km, 1.5 km and 2 km respectively, if that is the price of making progress. *[Interruption.]* I apologise to my right hon. and hon. Friends.

However, my Bill would also make possible a different approach, which is used in some European countries and which some hon. Members might prefer. That would mean specifying set-back distances from turbines in proportion to their total height. In other words, the distance from the base of the turbine to the nearest home should be at least a fixed multiple of the height of the turbine to the tip of the blades. The distance would then depend on the multiple. The 125-metre turbines proposed for my constituency would have to be set back 16 times their height to achieve a separation of 2 km, while a smaller 100-metre turbine, using the same multiple, would be set back 1.6 km. A smaller multiple would produce smaller distances.

I am clear that there must be a reasonable space between such giants and local communities. That is the simple and, I hope, uncontroversial, purpose behind my Bill. It would add to planning law, not detract from it, and all the other tests and protections, whether they relate to noise, environmental impact or sites of special scientific interest and so on, would remain in place, so we would not see a wind farm on top of the Malverns, or Bredon hill in Worcestershire, for example.

I have heard the simplistic objection that my Bill is intended to kill onshore wind development in England. That argument is an Aunt Sally, and is simply untrue. Indeed, by being much clearer about an important aspect of planning requirements, my Bill would enable developers to bring forward proposals for more appropriate locations with much greater confidence. My Bill would mean that arguments about distance and local acceptability could be dealt with more objectively and speedily by local planning authorities. Currently, only around a quarter of all onshore wind farm applications succeed. That proportion could increase significantly if there were clear guidelines.

[Peter Luff]

My Bill is designed to help communities that feel threatened and powerless in the face of intrusive planning applications, but it would also speed up the planning process for well-sited wind farms. The Bill should help householders and communities, local authorities—which currently lack adequate guidance on wind turbine locations—and the wind farm industry to pursue the right sites. My Bill represents an opportunity to stimulate, and more importantly to resolve, an important debate. I commend it to the House.

5.23 pm

Martin Horwood (Cheltenham) (LD): I oppose the Bill, although I should make it clear that I do so in a personal capacity as an environmentalist, not as a spokesman for my party—*[Interruption]*—as is the requirement with ten-minute Bills.

Although it looks at first sight like traditional Conservative opposition to wind power, the Bill that the hon. Member for Mid-Worcestershire (Peter Luff) proposes would in fact achieve the perverse result of increasing the pressure on rural areas, including areas of outstanding natural beauty and national parks, to accept wind turbines that local people oppose. It is a Bill that would harm the prospects for wind energy in many places where it is supported by local people, and it would deepen the undermining of democratic local planning procedures. In the end, local people should decide. We in this place should not commit our usual error of creating inflexible and—in the hon. Gentleman's own words—arbitrary rules that will do more harm than good.

Let me illustrate the problem with an example that is literally close to home. Cheltenham's first wind turbine is likely to be placed in Springfield park, in the Springbank area of my constituency. Planning permission is being applied for. It will not be big—a bit less than 18 metres tall, to the tip of the highest blade. It will generate 9,500 kWh of electricity a year, and save more than 4 tonnes of CO_2 emissions a year. Perhaps more importantly, it will follow the good example of Danish wind energy by being owned by a community organisation, the Hesters Way Neighbourhood Project. The project was set up to support regeneration in one of the least well-off parts of Cheltenham, and the wind turbine will shave the best part of £1,000 a year off its electricity bill, allowing it to spend more money on its other work in the community.

The turbine will be safe and virtually silent, with no noisy gearbox. It also has a rather striking design. I concede that beauty is in the eye of the beholder, but in general, I think that most wind turbines are rather graceful, and easily more attractive than the average pylon. The Springbank wind turbine has so far encountered very little opposition, but whether it receives community support should surely be a matter for the people of Springbank and their elected representatives. We should not contemplate a Bill that would rule out the project at a stroke—

Peter Luff: It would not.

Martin Horwood: It would, because it would impose on planning law—not on planning guidance, local area partnerships or local area policy—a rule that that turbine should not be allowed, because it is about 60 metres from the nearest dwelling. That is well inside the hon. Gentleman's proposed limit for a small turbine of 800 metres—I have translated that—away from any dwelling. So the Bill would kill that project.

Our local and national carbon emissions reduction goals would remain intact, however. Our carbon budgets, newly agreed in the Climate Change Act 2008, which was supported by those on the Conservative Front Bench, would still be there. If the Bill were to cut off wind turbine projects such as the one for Springfield park, and doubtless many others all over the country that were anywhere near people's houses, that would increase the pressure on rural areas. Where would we put the displaced wind power if we wanted to maintain the contribution of wind power to achieving our renewables targets?

No part of Springfield park is less than 800 metres from a dwelling; in fact, I think that we would be pushed to find any part of my constituency that is. The only part that might achieve that condition would be in the Cotswolds area of outstanding natural beauty, where even I would hesitate to support a wind turbine. But those are exactly the kinds of areas that would qualify for approval if the Bill were ever to see the light of day.

I can cite many examples of local Liberal Democrats supporting wind power, from Leeds to Lewes, from Cornwall to the Orkneys, and from Cheltenham to Islington, but I would never lecture local Liberal Democrats, who know their area best, on whether they should support every proposed wind turbine everywhere. I am sure that many hon. Members could cite examples of insensitive energy companies trying to push through wind turbines in inappropriate locations. However, I can see the supporters of such companies rubbing their hands with glee if the Bill became law. "Surely local campaigners shouldn't be allowed to get away with opposition to this wind farm," they would argue. "After all, it complies with the Onshore Wind Turbines (Proximity of Habitation) Act 2010, which was promoted by the Member for Mid-Worcestershire in his attempt to, as he put it, settle the matter." Ironically, the hon. Gentleman's name could end up being used in planning inquiries more in support of insensitive wind power applications than against them.

Why does the hon. Gentleman think that these inflexible distance limits are required? In his speech, he was rather vague. He spoke again and again about visual intrusion. Unlike him, however, I do not think that that is an objective fact; it is subjective and it ought to be up for discussion by local people. He also mentioned flicker, but that is a very short-range phenomenon. It is not even an issue in Springfield park, where the turbine will be only 60 metres from people's houses.

The hon. Gentleman also mentioned health issues, but the NHS website quotes Dr. Neil Todd, who has researched the health impacts of wind turbines and can find nothing to object to. On the website stoplenchwickwindfarm.org.uk, the hon. Gentleman is quoted as saying:

"It is my limited intention to raise the aesthetic and environmental concerns associated with large wind turbines".

He goes on to say, as he has just told the House:

"I happen to be a keen exponent of alternative and renewable energy sources"—

except, presumably, in his own constituency—

"but feel strongly that onshore wind farms are only appropriate where their visual and environmental impact on open countryside is acceptable."

However, we have yet to hear what these environmental concerns are. How do they reduce with distance? On this, the website and the hon. Gentleman are absolutely silent.

All the environmental organisations that I know, including the Royal Society for the Protection of Birds, support the appropriate use of wind power. When they have voiced concerns—as the RSPB has done—they have not, so far as I know, objected to any proximity to human habitation. Rather, they have objected to the possible impact on sensitive wildlife habitats and natural environments. Human beings, of course, can speak for themselves. Is that not really the point?

The hon. Gentleman has tried to find a way to placate the growing trend of opposition to wind power. If he means what he says about local people being able to overturn the restrictions that the Bill would impose, it will probably have no impact whatever, in which case it is purely symbolic, sending a message. On the hon. Gentleman's behalf, whatever his good intentions, it sends a clear message of opposition to wind power—our most promising form of renewable energy.

The message that I, and many other hon. Members opposed to this Bill, such as my hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes), the hon. Member for Southampton, Test (Dr. Whitehead) and many others, want to send is one of support for clean renewable energy, support for wind power when it is appropriate and well supported, and support for local people who know best what is right for their area, and do not want inflexible and arbitrary rules imposed on them from on high.

I oppose this Bill, but I am pleased to say that it is very unlikely ever to succeed, so I shall not trouble the House by pressing for a Division.

Question put (Standing Order No. 23) and agreed to.

Ordered,

That Peter Luff, Sir Alan Beith, Mr. Michael Clapham, Mr. Geoffrey Cox, David Davis, Natascha Engel, Mr. Mike Hall, David Maclean, Lembit Öpik, Ms Dari Taylor, Phil Wilson and Mr. Anthony Wright present the Bill.

Bill read the First time; to be read a Second time on Friday 6 November, and to be printed (Bill 157).

Constitutional Reform and Governance Bill (Programme) (No. 2)

5.32 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move,

That the Order of 20 October 2009 (Constitutional Reform and Governance Bill (Programme)) be varied as follows:

1. Paragraphs 2 to 4 of the Order shall be omitted.

2. Proceedings in Committee of the whole House shall be completed in four days.

3. The proceedings shall be taken on each of those days as shown in the first column of the Table and in the order there shown.

4. Each part of those proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of that Table.

TABLE

Proceedings	*Time for conclusion of proceedings*
First day	
Clauses 1 and 2, Schedule 1, Clauses 3 to 19, Schedule 2, Clause 20, new Clauses relating to Part 1, new Schedules relating to Part 1.	The moment of interruption on the first day.
Second day	
Clauses 33 and 34, new Clauses relating to Part 5, new Schedules relating to Part 5, Clause 35, Schedule 5, Clause 36, new Clauses relating to Part 6, new Schedules relating to Part 6, Clauses 37 to 43, Schedule 6, Clause 44, Schedule 7, Clauses 45 to 49, Schedules 8 and 9, Clause 50, new Clauses relating to Part 7, new Schedules relating to Part 7, Clauses 51 and 52, new Clauses relating to Part 8, new Schedules relating to Part 8.	The moment of interruption on the second day.
Third and fourth days	
Clauses 21 to 25, new Clauses relating to Part 2, new Schedules relating to Part 2, Clauses 26 and 27, Schedule 3, Clauses 28 to 31, new Clauses relating to Part 3, new Schedules relating to Part 3, Clause 32, Schedule 4, new Clauses relating to Part 4, new Schedules relating to Part 4, Clauses 53 to 56, remaining new Clauses, remaining new Schedules, remaining proceedings on the Bill.	The moment of interruption on the fourth day.

The basic decision on the programming of the Committee stage was determined on 20 October, when the House agreed that there should be four days on the Floor of this House. That programme motion was agreed without Division, which I took as general approbation, following discussions among the usual channels, for having four such days of debate. This programme motion provides more detail, hopefully for the convenience of the House. It proposes that part 1 be debated today. On the second day, it proposes that we deal with part 5, which corrects

[Mr. Jack Straw]

an important anomaly in respect of the Human Rights Act 1998 and the Scotland Act 1998 following the Somerville judgment by the Law Lords; with part 6, which deals with courts and tribunals; with part 7, which deals with the National Audit Office; and with part 8, which relates to transparency. Days three and four are then assigned for part 2 on treaties, part 3 on the House of Lords, part 4 on protests, part 9 on final provisions and any new parts of the Bill.

Lest there be any suggestion that the measures in this Bill, which is by any standards medium-sized—it is certainly not a long Bill—have not been subject to proper scrutiny, I have brought with me the 19 reports that preceded this legislation. *[Interruption.]* The hon. Member for Epping Forest (Mrs. Laing) says that she remembers them.

Discussions on the civil service, dealt with in part 1, have been continuing for a very considerable period. Indeed, they go back to a draft Civil Service Bill published in 2004. We then saw proposals in the "Governance of Britain" documents and a statement in July 2007. A draft Bill was then published, which went before the Joint Committee on the draft Constitutional Renewal Bill, as well as before the Public Administration Select Committee. The Government have taken both those Committee reports very seriously, and their comments are reflected in the drafting of the Bill. The same applies to the other parts of the Bill. The issue of Somerville arises from concern expressed—not least by the Scottish Executive—about the anomaly that had been created. I am glad that we are now able to correct it, as it has been the subject of extensive discussion in the House and outside.

The part relating to the ratification of treaties was also the subject of detailed proposals that were considered by the Joint Committee and others. We shall deal with the part concerning the House of Lords on days three and four. I do not suggest that it has been endorsed on an all-party basis, but it has been the subject of two periods of all-party discussion, and of a Green Paper and a White Paper which I published in 2007 and 2008.

Keith Vaz (Leicester, East) (Lab): Since Second Reading, have there been any further discussions with the Opposition about their proposal for the appointment of temporary peers? The Lord Chancellor seemed to favour the idea.

Mr. Straw: There has been no formal discussion of the matter, although informal representations have been made. As I believe I said on Second Reading, I understand the proposal and it is being considered in Government, and we shall have time to return to it.

The part of the Bill that deals with courts and tribunals has been the subject of widespread approbation. Finally, there are the parts relating to national audit and the transparency of Government financial reporting to Parliament. The national audit proposals follow on from a draft Bill from the National Audit Office.

As the Bill was published three months ago, it cannot be said that it has been slipped before the House with no opportunity for its provisions to be discussed properly.

Lembit Öpik (Montgomeryshire) (LD): I have no doubt that there has been extensive consultation up to this point, but, having engaged in a large amount of constitutional debate concerning Wales and, indeed, Northern Ireland, I have observed that sometimes it is only when legislation has been implemented that we perceive deficiencies, weaknesses and aspects that we might wish to improve. Has the Lord Chancellor considered allowing further debates once the Bill has been implemented—should it become an Act—to ensure that any unforeseen or unintended consequences are rectified in the future? I think that that is very important when it comes to constitutional changes.

Mr. Straw: The hon. Gentleman has raised an important point. I agree that this Bill in particular should be subject to proper arrangements for post-legislative scrutiny. I will write to him, and will make the letter available.

Because there was a new Administration in 1997 and we regarded Scottish and Welsh devolution as high priorities, there was not the same provision for draft Bills and detailed consideration by Select Committees as there has been for the measures before us. It was necessary for us to proceed at that pace, but in a better world it would have been to everyone's advantage to have had more time.

If I manage to catch your eye, Madam Deputy Speaker, I shall of course respond to questions that are raised.

Madam Deputy Speaker (Sylvia Heal): I must inform the House that Mr. Speaker has not selected the amendment in the name of the right hon. Member for Sheffield, Hallam (Mr. Clegg).

5.39 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I entirely accept the Secretary of State's comment that the House did not divide on the programme motion at the end of Second Reading, but he can see for himself what has already been tabled for consideration over the next two days, and it clearly shows that there will be insufficient time for full consideration. Moreover, this is a constitutional Bill, and not such a long time before the Labour Government were elected in 1997 not only would such a Bill have been considered on the Floor of the House, but that would have been without any guillotine or any end date for its coming out of Committee, and therefore all Members would have had the opportunity to participate and say what they wished about what is, even in its curtailed form, a very important piece of legislation.

How are we to do justice to this legislation when it is already apparent—I am not criticising the Secretary of State for this, but he can now see it for himself—that we have no possibility whatever of getting through the clauses for consideration on the civil service in the course of today's business, particularly as the time is now 20 minutes to 6 and the business will be finished by 10 o'clock? Having looked at what is already down for consideration on day two, I strongly suspect that there will be insufficient time then as well.

We must also face up to the fact that, because the Government have imposed internal guillotines, as is their current practice, we will probably come across the most controversial parts of the legislation at the very end of the process, whereas if the Government had left the consideration of business so that knives did not fall, the House could have adjusted to make sure that it gave the desired amount of consideration to those parts it decided were most important. After all, some interesting ideas are floating around; the right hon. Member for

Leicester, East (Keith Vaz) rightly raised the idea of term peers, but I can foresee already that we will not have sufficient time to give that the proper scrutiny and consideration that it requires.

Keith Vaz: Is not one way of dealing with this the commencement of proper discussions between the Government and the Opposition? We heard from the Lord Chancellor that there have been informal approaches, and the hon. Member for Chichester (Mr. Tyrie) raised the issue on Second Reading. One way of avoiding lengthy debates on the Floor of the House about programme motions is to have proper constructive discussions between—*[Interruption.]* I agree that such debates are important, but on measures of this kind, where the political parties are prepared to have a discussion, surely such formal discussions should not take place on the Floor of the House and thereby curtail the debate that is necessary on the Floor of the House.

Mr. Grieve: The right hon. Gentleman makes an important point. I, for one, am always happy to have informal discussions with the Lord Chancellor and Secretary of State on these matters—and I enjoy them—but it is important that we do not circumvent this House. The reason for holding these debates on the Floor of the House is precisely so that we do not have a Committee upstairs which can be packed with the nominees of the Government—and, for that matter, of the Opposition—and so that every Member of this House can participate in debate on this constitutional measure, including those who may disagree fundamentally with any proposal, even one brought forward jointly by the Secretary of State and myself.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Will my hon. and learned Friend also make the point that it is profoundly undemocratic for important constitutional measures to be cobbled together by the two Front-Bench teams and for Members to be denied the opportunity to debate such matters on the Floor of the House?

Mr. Grieve: I entirely agree with my right hon. and learned Friend, and the last thing I would wish to do is deprive him of the opportunity to participate in the debate.

Mr. Oliver Heald (North-East Hertfordshire) (Con): As the amendment paper shows, amendments have been tabled by Members who do not sit on the Front Benches but who have over the years taken a very honourable part in these debates. I am thinking of the hon. Member for Luton, North (Kelvin Hopkins), for example, who has been involved in such debates on many occasions. Amendments have also been tabled by representatives of minor parties, who would not necessarily normally be part of such Front-Bench discussions. That is why on a constitutional Bill it is important to capture the views of the whole House.

Mr. Grieve: I agree entirely.

This Government motion offers us an opportunity to revisit something we did at the end of Second Reading, and with which I have never been comfortable. The Government know that, as a matter of principle, we oppose guillotines, particularly in respect of constitutional measures. However, we also have a desire to get through business, and we are realistic, sometimes, about the likely outcome of a vote. That having been said, here is our opportunity—and, if I may say so, the Secretary of State's opportunity. He has had the chance to see the sort of amendments that have been tabled, and it is pretty clear that a debate is developing over a wide range of issues. None of the amendments appear to be spoiling ones that do not merit consideration, and it is becoming plain that there is insufficient time for consideration. Even today's business will end, I fear, with large chunks having not been properly considered.

The Liberal Democrat proposal—I respect Mr. Speaker's decision that we cannot vote on it—strikes me as one that the Secretary of State could properly keep in mind. Given that I feel we will have insufficient time, the one way in which we can lay down a marker of our unhappiness at this stage is to oppose the Government motion.

I hope that, in the spirit in which I certainly intend this debate to be conducted, the Secretary of State will take the opportunity to reconsider the timetable, which has two key failings. First, I strongly suspect that it is not long enough in its totality. Secondly, the way the knives have been placed guarantees that when we finally get to day four and probably have to consider the Bill's most important clauses, it will be even more apparent than it is today that we do not have the time to do so, especially when the business has not been protected, as it has not this afternoon. We have had two statements—I do not blame the Secretary of State for that, but the fact is that it is the Government's business—which have already taken up a considerable part of the afternoon's business.

For those reasons, I urge the Secretary of State to reconsider the position. None of the amendments tabled is in any way a means to filibuster. This is an important Bill and the fact that the Secretary of State has kept it in some ways—dare I say it—mercifully short does not mean that it does not contain plenty of meat to be scrutinised. It does—in its limited remit, which is far more limited than the Government originally envisaged. For those reasons, I hope that, by listening to this afternoon's debate, the Secretary of State will have an opportunity to reconsider his position. If he does not, we will have to register our unhappiness in the only way we can.

5.48 pm

Mr. David Heath (Somerton and Frome) (LD): I must say that I am extremely disappointed in the position that the Lord Chancellor has chosen to take on this occasion; he would not have supported it in previous incarnations. I say this because, whatever its shortcomings, this is an important constitutional Bill. It certainly does not go nearly far enough in many directions for my liking; nevertheless, it does contain matters that we ought, quite properly, to debate in this House. However, perhaps just as important are those things that are not in it, and which right hon. and hon. Members would wish to add to the appropriate legislation for dealing with constitutional reform.

The proposal before us—programme motion No. 2—differs from its predecessor in a very important respect. As the hon. and learned Member for Beaconsfield (Mr. Grieve) said, it involves the insertion of knives. Those knives will curtail discussion. They are designed to curtail discussion. They are there to prevent Members of this House from having the opportunity of debating this constitutional Bill.

[Mr. David Heath]

The reason why, by convention, we consider the Committee stage of constitutional Bills on the Floor of the House is to enable every Member who wishes to contribute to have their say. Perversely, what we have before us today is a programme motion that puts us in a worse position than if we had been in Committee upstairs. It is normal practice not to have knives until such time as it is clear that progress will not be made without them. I have served on countless Committees dealing with Bills of a constitutional or criminal justice nature over the years. Normally, we have managed to discuss, between ourselves, appropriate ways of progressing business to avoid knives, wherever possible, and ensure that every single clause is given proper weight and proper consideration. That will not happen on this occasion, despite the fact that many more Members may wish to be involved. This might be a modest Bill in what it sets out to achieve, but it is hardly that modest in its physical size—it contains 56 clauses and nine schedules—so it is reasonable that we take a little time in considering it.

Mr. Hogg: Irrespective of whether or not the Bill is modest in itself, does the hon. Gentleman agree that it is a vehicle to which this House and its Members can add very substantially, if that is what this House wants?

Mr. Heath: That is precisely the point, and I am glad that the right hon. and learned Gentleman makes it. He describes the substance of many of the amendments and new clauses that have been tabled and that are on the amendment paper. The Government, with their majority, blithely pass though this House proposals for carry-over because they do not think that they can get things through in this Session, but they will not allow carry-over in debate—even carry-over until tomorrow of matters that we will not reach in debate this evening. When we reach the knife tonight, any matters that we have not debated will simply disappear—they will not be debated by this House—and that is not a satisfactory position.

When the Lord Chancellor comes to this place with his pile of reports and papers, he betrays the fact that the Bill before us is not the Bill that many of those reports considered—huge sections have been left out and other sections have been added. Even if it were the same Bill, what difference would that make? Today, we are making law—we have the duty to consider the Bill line by line—so it does not matter what discussion has gone on before. It may be helpful to our discussions in this Chamber, but it does not replace them. If he believes that it does, I should tell him that we have been discussing reforming the Lords for 100 years—we discussed it right back in 1911, but we still have not done it. Does he honestly believe that he could put it before this House without debate and expect to get it through? Of course he does not.

I firmly suggest that we will not conclude consideration of the groups that are before us tonight. The hon. Member for Hendon (Mr. Dismore) will be disappointed, yet again, at the outcome of his sterling efforts to put a small measure that has a great deal of common sense behind it on to the statute book. He has proposed it in countless private Member's Bills and time has never been found for it. Now he has the perfect vehicle to introduce his reform of the civil service, yet he will not be able to do so. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) has tabled some excellent new clauses for discussion, but of course we do not reach new clauses until the very latter parts of our consideration in Committee, so it is almost certain that we will not be able to discuss the matters of huge constitutional importance that he has raised.

Liberal Democrat Members wish to debate one key proposal, on the role of the Attorney-General. It was in the previous Bill, when the reforms were supported by the Select Committee on Justice, of which I am a member; by its predecessor, the Select Committee on Constitutional Affairs; and by a minority in the Joint Committee. Yet this House is not going to be allowed to debate that very important matter because of the timetable exerted by the Lord Chancellor.

Mr. Grieve: Although the hon. Gentleman and I may differ on whether the reforms that he seeks to the role of the Attorney-General are right, it is perfectly clear that they should be debated during our consideration of this Bill—there is no reason why they should not be. It is clearly in order that it should be possible to achieve that consideration—if we had the timetable that enabled us to do so.

Mr. Heath: Of course it should. Let me conclude by saying that if one wanted the clearest possible advertisement for the virtues of a proper business committee, where these matters are discussed in advance between the parties, including Back-Bench Members on both sides of the House, and where we can identify those issues that hon. Members wish to have time to consider properly and provide the appropriate time for them to do so, this is it.

This is something that has not even been discussed by the Front-Bench teams; nobody has agreed to these guillotines and these knives, which the Lord Chancellor now wishes to insert. This programme motion goes against the principles of the discussion of constitutional Bills and against the interests of this House, and I hope that this House will oppose it.

5.55 pm

Keith Vaz (Leicester, East) (Lab): I agree with the hon. and learned Member for Beaconsfield (Mr. Grieve) and the hon. Member for Somerton and Frome (Mr. Heath) that, as a matter of principle, when a Bill dealing with the constitution is before the House, it should not be the subject of a programme motion. The House of Commons ought to have an opportunity to discuss these important matters, especially given that when the Lord Chancellor introduced the Bill, he talked about this Government's terrific record on the constitution and said that this Bill was an addition to it.

However, I am not absolutely convinced that the reasons advanced by the hon. and learned Member for Beaconsfield and the hon. Member for Somerton and Frome are necessarily the right ones. I was present on Second Reading and I recall that the hon. and learned Gentleman and the hon. Member for Cambridge (David Howarth) poked fun at the Lord Chancellor, saying that this Bill had a grand title but there was nothing in it. To be perfectly frank, the Opposition cannot have it both ways: they cannot say that the Bill is also weighty and important. I agree that the subject matter is, and even I poked fun at the Lord Chancellor, despite the great

respect that we have for him, saying that given the history of what the Government have done on the constitution, this should have been a much more substantial Bill.

Mr. Grieve: I should make the position clear. I believe I said that the mountain moved and brought forth the mouse, and that is very much how I view this Bill. However, I also made it clear that elements of it, including the extremely important civil service reform and the proposals on the House of Lords, which are also extremely important and are a departure from the Government's previously stated position as to how they intend to carry out the reform of the other place, will require detailed scrutiny and, I suspect, are likely to excite a lot of participation. The question then becomes: how long should this Bill have for consideration? If the time were open-ended, the Bill would resolve itself—heaven knows we have not got much business in this place at the moment. For those reasons, the Government have got off on the wrong foot. Here is an opportunity to correct their position.

Keith Vaz: I say to the hon. and learned Gentleman that even if this were the shortest Bill in the world, he would be able to make his usual passionate and eloquent speeches, ensuring that even one of them would fill the whole four days—he is that able an advocate when he speaks at the Dispatch Box.

The one point that I wish to make in conclusion relates to the bit of the Bill that I found to be of substance, which was that concerning the House of Lords. With the greatest respect to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), may I say that I was not suggesting in my intervention on the hon. and learned Member for Beaconsfield that we should substitute discussions outside this House for a proper debate inside it about House of Lords reform? However, I was very taken by the suggestions made on Second Reading by the hon. Member for Chichester (Mr. Tyrie), and others, relating to the appointment of temporary—or term-limited—peers.

I really do not believe that four days would be enough to discuss such an issue. I hope to obtain an undertaking from the Lord Chancellor that even though we cannot discuss it in great detail because of this programme motion, if an approach is made by an Opposition party, whichever one it may be, serious and substantive discussions will take place with that party about the idea of term-limited peers. We need to find a consensus on House of Lords reform. I, for one, do not believe that we have to wait for the next election and for the next manifesto to be written in order to make another commitment about such reform, because we have done that for the past three terms. I hope that that discussion will take place. If he gives me that undertaking, that will satisfy me that there is no need for additional time to be given to discuss this Bill.

5.59 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): May I associate myself with what has been said by my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) and the hon. Member for Somerton and Frome (Mr. Heath)? This is an important Bill, but, goodness knows, it could be a much more important Bill. I venture to say that most of the most important propositions that are placed before the House are in the new clauses and, as the House will know, the new clauses are for the most part grouped right at the end of day four, and therefore in all probability will not be reached.

It is perhaps quite useful to remind oneself of the nature of some of those new clauses, which seem to me to be of fundamental importance and well worthy of discussion in this place. Those to which I will refer are all tabled in my name—I hope that I will be forgiven for that. The first would allow Ministers who are not Members of this House to appear in the House and to answer questions and participate, though not vote. That would have the advantage, would it not, of the right hon. and noble Lord Mandelson's being able to come to this House? I would welcome that.

There is a second proposal, also tabled in my name, that we should have fixed-term Parliaments. I know that that is a matter of considerable interest to a lot of right hon. and hon. Members. On the point made by the right hon. Member for Leicester, East (Keith Vaz) about life peers' being appointed for fixed terms, I could see considerable advantages if peers were to be created for a period less than life—for five or 10 years, or whatever. Whatever the merits of that proposal, it is surely sufficiently important to attract a debate in this place. Although we might not be able to agree that proposition in the next four days or whenever, that this House should have the ability to ventilate and express that view seems quite plain.

There is another proposal that I venture to make. War-making powers should be entrusted to this House and should not be part of the royal prerogative. Again, that seems to me to be a matter that is very much in the interests of the House. I have tabled a new clause that has the effect of making the selection of the Prime Minister dependent on an address moved by this House to Her Majesty. That again seems to be an issue that is well worth considering.

There is the further question of Mr. Speaker's having the right to recall Parliament in exceptional circumstances rather than leaving it to the Government of the day. That again seems to me to be a matter of considerable importance. The business committee, which was mentioned by the hon. Member for Somerton and Frome, should be set up by the Standing Orders of this House so that we, and not the Government, determine, for example, the business surrounding a constitutional Bill such as that which we are now debating.

There is also the question of referendums. I tabled an amendment to the effect that when there is a treaty between the European Union and the United Kingdom that abrogates the sovereignty of the United Kingdom or in any way significantly curtails the relationships in an adverse way, it should be subject to a referendum. The House might not agree with that, but that it should be the subject of debate seems to me to be quite plain.

The truth is that all these proposals, some of which have been on the Order Paper in the names of other right hon. and hon. Members for some time, are all matters of substantial constitutional importance. If we were not to have this timetable motion—or, alternatively, if we had more time—the House would have the opportunity to debate them. I venture to say that no right hon. or hon. Member would say that those new clauses were unworthy of debate, but the Secretary of State's timetable motion will deprive the House of such an opportunity.

Mr. Straw: Will the right hon. and learned Gentleman explain something to me? I understand his argument about the knives, but a large part of everybody's argument tonight has been over the fact that four days have been allocated. If that argument is powerful today, why was it not sufficiently powerful on 20 October to get him into the Lobby? There was no dissent to the programme motion on that day.

Mr. Hogg: The Secretary of State is being less attentive than he normally is. The truth is that one has to determine a timetable motion in the context of the amendments and new clauses that were on the amendment paper when the timetable motion came to be considered. No doubt when this motion was first debated, the House had not determined the exact character of the new clauses and amendments. Now we have; we can see the amendment paper, and it will expand. Nobody, not even the Secretary of State, has argued that the points that I have just made are unworthy of debate. The House should therefore extend the time available for debate.

Mr. Grieve: Does my right hon. and learned Friend also agree that the merit of not having knives is that, as the days progress, it might become apparent that there is insufficient time to consider the business within the Government's timetable? We could therefore make powerful representations that we needed extra days if necessary. The mischief of the knives is that we lose chunks of business at the end of each day and we are never able to recover it.

Mr. Hogg: My hon. and learned Friend is quite right. The knives are even more mischievous when we have two important statements taking up part of the time for debate. Moreover, the principle of the knives is incompatible with carry-over motions. As the hon. Member for Somerton and Frome properly said, there is a carry-over motion, which suggests that the Government want some business to be discussed, but the knives deny that opportunity in respect of the next two days.

Mr. Heath: The right hon. and learned Gentleman will also be aware that there is a very high expectation of a statement tomorrow—the second day in Committee—so we will lose yet more time. That is again something that could not have been factored in when the programme motion was first considered.

Mr. Hogg: Indeed. I have no doubt that when we come to the third and fourth days, whenever they might be, we will find that yet more important business has been shuffled into the programme. The truth is that this House is being denied an opportunity to make very important changes to the constitution, or, if it is not ready to make them, at least to debate them. I am afraid that this Government like to shut out debate and I regard that as quite lamentable.

6.7 pm

Mr. Humfrey Malins (Woking) (Con): I rise briefly to support my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve), the hon. Member for Somerton and Frome (Mr. Heath) and my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). As the years have gone by, I have wondered more and more what the real duties of a Member of Parliament are. Today, they seem to be to attend to e-mails every five seconds and to respond on diverse subjects to constituents on matters about which I know very little. Our real duty, which is to scrutinise legislation—to look at it line by line—seems no longer to be important or the part of our lives that it should be.

I remember, in the days when I was in Committees upstairs, time after time the habit crept in of putting in the knives and the guillotine motions, which meant that whole chunks of Bills that I was taking through Standing Committees were never debated, neither in Committee nor in this House. That is a tragedy.

We all need to ask ourselves what is the role of a Member of Parliament now and what it will be over the next 10 years. Will it simply be instantly to react to a news story or can we please get back to the days when we examined legislation line by line and made our own arguments and amendments? The truth of the matter is that if I have an amendment or argument, I want to make it and I want the views of all hon. Members to be heard. If I lose the argument by a vote or because I have made it badly, that is that, but at least I have made it. Day after day, the trend continues that the opportunities for Members of this House properly to do the job for which they were elected, in my judgment, are gradually disappearing.

6.9 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): When we considered the devolution Bills at the start of the Government's time in office—

Sir Nicholas Winterton (Macclesfield) (Con): Awful!

Mr. Heald: Well, there were arguments about the quality of the Bills, but the Government accepted the principle that they would agree programme motions with the Opposition, and allow the Opposition the time that they asked for to debate the Bills. My right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) never agreed even with those programme motions, but the Government were prepared to engage and at least try to give the Opposition the time needed to go through important matters.

This Bill deals with the civil service, and it has taken years to come before the House. The Government promised it first in 1996, and then in almost every year since. It has been the subject of a lot of debate in the House, and the Public Administration Committee and the Committee on Standards in Public Life have both produced excellent reports on it. Even so, the Bill is a bit of a disappointment, as it does not go far enough in a number of ways.

We have an opportunity to debate the Bill and make sure that some problems are put right. Our debate should go further than the very valuable new clauses tabled by my right hon. and learned Friend the Member for Sleaford and North Hykeham, as other hon. Members have tabled amendments that deal with vital matters such as the role of special advisers. Are they to have the sort of executive powers that were so unpopular when they were exercised by Alastair Campbell but which have proved to be such exciting entertainment in films such as "In the Loop"?

Are we going to tackle, in a proper debate, the problem of the special adviser with executive powers? There are numerous amendments to clause 8, and they all need to be considered adequately. When we last debated these matters, I remember that the important question of who a civil servant is took some time. I see that we are due to have a similar debate in connection with clause 1.

In my view, the Government are going backwards and becoming ever less democratic. The surprise is that the Lord Chancellor, who has always been thought to be someone who respects the House and who wants to be at one with its traditions, should be backsliding in this way. The programme motion does not give adequate time for what is an important constitutional debate.

When we considered the devolution Bills, we had 36 days on the Floor of the House. That was agreed by the Government, but the Lord Chancellor is engaged in cheese-paring by offering a mere four days to consider this Bill in Committee—four days that will be interfered with by constant statements.

Mr. Heath: The four days may be sufficient—I do not think that they will be, but they may—but the point is that they can be extended by means of a further programme motion in the future. What cannot be extended are the knives that the Secretary of State is trying to insert today. If he were to withdraw this programme motion, he would be back to the previous motion that set a four-day limit, at the end of which we could see how much progress we had made.

Mr. Heald: I absolutely agree, and the hon. Gentleman is another veteran of these debates. My point is that the House as a whole has important amendments to debate, in connection with what is a constitutional Bill. In the past, the Government have accepted the principle that we should have the time to do a proper job, so it is poor for a person in the Lord Chancellor's position not to be prepared to listen to the House. Even at this late stage, he could remove these knives, which will have exactly the effect described by the hon. Member for Somerton and Frome (Mr. Heath) and others.

6.13 pm

Mr. Straw: With permission, Madam Deputy Speaker, may I say that I understand the concerns of the House? I could be forgiven for thinking that there was general approbation for devoting four days to this Bill, as on 20 October—just two weeks ago—the House agreed that proposal without Division. Not even the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg)—who, as the hon. Member for North-East Hertfordshire (Mr. Heald) just noted, normally rises to oppose any programme motion—opposed it. I was not party to the discussions through the usual channels, and I would not disclose them even if I were, but I took it from that result that there was general agreement.

At the heart of this argument is the question of how the knives should fall. The special Committee chaired by my hon. Friend the Member for Cannock Chase (Dr. Wright) is examining the question of programming. It is also looking at the idea of having a business committee, to which I am highly sympathetic.

In the old days of guillotining, programming used to happen with a vengeance. One motive for inserting knives was to help the Government, but another was to assist debate. In this case, it is clear that a lot of concerns have to do with the business that will arise on the third and fourth days—

Mr. Grieve *indicated assent.*

Mr. Straw: I see that there is approbation for that. A knife is proposed to fall today after debate on the proposals in respect of the civil service, and another on the second day—tomorrow—after debate on a number of important issues. Once we get to the third day, no knife will fall for two days. So the quicker that we can deal with the proposals on treaties and protests, the sooner we can get on to those on the House of Lords.

My judgment is that the proposals on treaties and protests need not take a huge amount of time, as there is general agreement about them. There will be a debate about the House of Lords proposals, but we will have two days for it. The motion protects that debate, rather than running it into the buffers.

Mr. Grieve: I am sure that the Secretary of State can see how much things have changed. On Second Reading, he quite reasonably presented a picture of a number of days being set aside for debate. That may not have been perfect, but then he comes along today, as the debate is about to begin, and changes the rules with internal knives. That guarantees that large chunks of today's business alone will never come to be considered. It also means that he has lost the option of being able to offer the House a further day if he thinks that it has genuinely sought to make progress and yet has been unable to do so. That is the problem with his proposal.

Mr. Straw: The hon. and learned Gentleman knows very well that the business of the House is in the hands of the business managers. Of course I take account of what has been said today, and I shall pursue the matter with those business managers, but I cannot offer undertakings as to what will follow. I want these matters to be debated properly—

Mr. Andrew Tyrie (Chichester) (Con) *rose—*

Mr. Straw: I am sorry, but the debate is about to end. I say again that no Bill has been the subject of greater prior discussion than this one—

6.17 pm

Three quarters of an hour having elapsed since the commencement of proceedings on the motion, the Deputy Speaker put the Question (Standing Order No. 83A).

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 293, Noes 230.

Division No. 234] [6.17 pm

AYES

Abbott, Ms Diane	Austin, Mr. Ian
Ainger, Nick	Bailey, Mr. Adrian
Alexander, rh Mr. Douglas	Balls, rh Ed
Allen, Mr. Graham	Banks, Gordon
Anderson, Mr. David	Barlow, Ms Celia
Armstrong, rh Hilary	Barron, rh Mr. Kevin
Atkins, Charlotte	Beckett, rh Margaret

Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David

Tellers for the Ayes:
Mark Tami and Mr. Bob Blizzard

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
James Duddridge and Jeremy Wright

Question accordingly agreed to.

Constitutional Reform and Governance Bill

[Relevant documents: Report of the Joint Committee on the Draft Constitutional Renewal Bill, Session 2007-08, on the Draft Constitutional Renewal Bill, HC 551-I and–II, and the Government response, Cm 7690. Tenth Report from the Public Administration Select Committee, Session 2007-08, on Constitutional Renewal: Draft Bill and White Paper, HC 499, and the Government response, Cm 7688. The letter from the Chairman of the Joint Committee on Human Rights to the Secretary of State for Justice dated 26 October 2009.]

[1st Allotted Day]

Considered in Committee

[Sir Alan Haselhurst *in the Chair*]

Clause 1

Application of Chapter

6.34 pm

David Howarth (Cambridge) (LD): I beg to move amendment 12, page 1, line 13, leave out paragraph (c).

Clause 1 simply relates to the scope of the civil service part of the Bill, following on from the draft Civil Service Bill in 2004 and the draft of this Bill in 2008. The first question that arises from our amendment is whether the Bill should apply to GCHQ. The Bill excludes the coverage of all the security services, the Secret Intelligence Service, the Security Service and GCHQ, but, in the case of the latter in particular, there is a history that suggests that the Government, at least, have not always been of the opinion that GCHQ should be excluded.

In the 2004 consultation on the draft Civil Service Bill, the Government said that there were no obstacles to including GCHQ within the scope of the statutory basis of the civil service. They then said:

> "The Government has no objection in principle to having civil servants who work in the field of intelligence covered by the draft Bill. Because there is no operational impediment to their inclusion, GCHQ staff will be within scope of all the provisions of the draft Bill."

But, in the 2008 draft Constitutional Renewal Bill, GCHQ was quietly removed, and the Bill before the House today retains that position.

From what the Government have said to the various Committees that have discussed the Bill before us, I gather that their justification for excising GCHQ from this legislation is that GCHQ should be treated

> "in the same way as the other Security and Intelligence Agencies."

The trouble is that that was not the thinking in 2004, when the Government were prepared to treat GCHQ differently, and it is far from clear why the change of policy has occurred.

During the Public Administration Committee's investigation of the Bill, the First Civil Service Commissioner expressed concern about the exclusion of GCHQ employees, especially about the fact that they would neither have the right to be appointed on merit nor be able to access any statutory complaints procedure. The Government, in reply to those concerns, merely said that

> "appointments to GCHQ will, as a general rule, continue to be made on merit,"

which implies that some appointments to GCHQ will not be made on merit. Given the extraordinary level of technical skill and knowledge that is required to work at that agency, it seems extraordinary that anyone could ever be appointed to work there except on merit.

The amendment would change the 2004 proposal, which has not been properly justified and, in terms of the employees themselves and other regulatory aspects of the civil service, is not justified. I ask the Government to correct this omission at this stage of the Bill's proceedings.

Mr. Francis Maude (Horsham) (Con): We have tabled new clause 33, which has been grouped with the amendment.

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. Is the right hon. Gentleman leaping ahead? At the moment, we are on amendment 12, and new clause 33 is in the next group.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I am concerned about the exclusion of GCHQ from the definition of what is a civil servant for the purposes of this part of the Bill. It is hard to see why GCHQ employees should not be covered by such provisions. Why should GCHQ not be managed by the Minister but by a civil service employer? Why should there not be a code of conduct that requires integrity, honesty, objectivity and impartiality? Why should the Civil Service Commission be unable to set appointment rules that mean that appointments are on merit? Why should an employee who feels that he is being asked to do something that is in breach of the code of conduct be unable to go to the commissioners and ask for redress? It seems odd that the Government would want to exclude that particular institution from the Bill.

I can understand that slightly different considerations apply to the Secret Intelligence Service—MI6—because it has its own statutes that provide similar protections, and it might seem inappropriate to want to legislate to repeal completely those provisions, which are presumably, for these purposes, adequate. However, GCHQ is not in the same position, as the Government recognised in 2004. What has changed that makes the Government suddenly feel that GCHQ must be treated differently from the rest of the civil service? I am sure that if somebody who works there was asked, "Who do you work for?", they would say either the Ministry of Defence or the civil service; they would not want to call themselves employees of anything else. Given that it is logical that GCHQ should be covered by the Bill and given that there is no real reason why the prerogative powers should be used instead of management being exercised under this legislation, I would be therefore be interested to hear the Minister's explanation.

I am worried that this may be one of those cases that we get from time to time when Ministers and civil servants say, "We don't want to fetter GCHQ in any way", and that what is proposed is just the product of a defensive approach that is against the spirit of the age, which is to be as transparent as possible. In that case, I believe that there is no real reason why the amendment should not succeed.

Dr. Tony Wright (Cannock Chase) (Lab): I want briefly to add my questions to those that have been asked. I have not heard an explanation as to why

GCHQ was to be included in these provisions back in 2004 and why it is now excluded; I do not know what thought process or consultation has produced that change. I do not know why it would be thought appropriate that promotion on merit would not apply to the employees of GCHQ. I do not know why it would be thought that it was not appropriate for those employees to have the right to appeal to the civil service commissioners. I do not know whether the staff who work at GCHQ have been asked where they would like to sit. There may be good reasons for those exclusions, but none has yet been produced, so I anticipate the Minister's answers to those questions.

Mr. Heald: I am grateful to the hon. Gentleman for giving way. Does he share my concern that this may be another case of, "Let's be neat and tidy and keep all the secret bits together", ignoring the fact that the two secret services have their own Acts of Parliament with similar provisions to those in the Bill? It is completely wrong to look at it in that way, because it is not neat and tidy.

Dr. Wright: I was not giving way to the hon. Gentleman; in fact, I had concluded my remarks. However, I think that we are all asking more or less the same questions and looking forward to the same answers.

Martin Horwood (Cheltenham) (LD): I was recently privileged publicly to welcome Her Majesty the Queen to GCHQ, along with the mayor of Cheltenham. I would not like to inflate my own importance in that, given that the mayor and I were almost the only people present who could be publicly photographed. During that visit, I jokingly asked whether Her Majesty needed security clearance, and was told, I think equally in jest, that she did not, because by definition GCHQ was almost part of her household. Although that might have been said in jest, it highlights the anomalous position in which the secret agencies find themselves, which was identified by the Joint Committee on the draft Constitutional Renewal Bill.

6.45 pm

GCHQ is a large organisation that employs thousands of people—thousands of my constituents—and we are dealing with important employment rights in terms of the right to be recruited on merit, and important procedures in terms of having the right to complain to the civil service commissioners. In his evidence to the Joint Committee, the Cabinet Secretary gave some absurdly extreme examples of how those rights might be applied, suggesting that GCHQ might have to place equal opportunities job advertisements in *Pravda* or that the civil service commissioners could be allowed public and unlimited access to personnel files at GCHQ, which would be equally inappropriate. It is equally possible to imagine circumstances in which a proper complaints procedure, with statutory force, to bodies such as the civil service commissioners might be helpful to GCHQ employees. Better that disgruntled staff have the right to appeal in confidence to the commissioners than that they take their complaints to the media, for instance. An intelligence agency is different from the rest of the civil service, but it cannot be beyond the wit of Government to propose amendments that might accommodate the concerns of the Cabinet Secretary and others while still bestowing on my constituency workers at GCHQ statutory rights very similar to those of other civil servants.

If the Government will not accept the amendment tabled by my hon. Friend the Member for Cambridge (David Howarth), how do they propose to place GCHQ on a similar footing to the other secret intelligence agencies? That question must be asked. I understand that GCHQ staff would like to be treated increasingly in the same way as those at the other intelligence agencies, and I am sure that that is an appropriate desire. If they are excluded from the terms of the Bill, it is not clear how that aim will be achieved.

The battle for GCHQ's trade union rights, so disgracefully denied by Mrs. Thatcher's Government, was won under this Government, and they should be rightly proud of that. In seeking to extend what are proper rights and entitlements to GCHQ employees—

Mr. David Winnick (Walsall, North) (Lab) *rose—*

Martin Horwood: I was about to conclude, but I happily give way.

Mr. Winnick: On 25 January 1984, the House was notified by the then Foreign Secretary that the right of GCHQ employees to belong to a trade union was being taken away. From then until 1997, Labour Back Benchers, and Labour Front Benchers as well, constantly argued that that right should be restored, which it has been, as the hon. Gentleman said.

Martin Horwood: I think that that is broadly what I said. The Conservative Government's actions at that time damaged morale in the intelligence services considerably and, if anything, weakened national security instead of strengthening it.

The Government should take pride in their attention to the proper employment rights of civil servants at GCHQ and give active consideration to the amendment, which seeks only to do the same thing.

Mike Penning (Hemel Hempstead) (Con): Can the Minister clarify whether GCHQ is now being considered in the same way as the other intelligence services? As we have heard, that has been sought for some time. Its inclusion in this part of the Bill would be a clear indication that the Government have looked again at how it is seen in the context of the intelligence services. What exactly is GCHQ's position? It looks as though there has been a turnaround, or change, in Government policy with the result that GCHQ is now linked with the other two intelligence services; otherwise, I cannot think why it is included in the exclusions listed Bill.

Can the Minister clarify what will happen to civil servants who have been seconded to GCHQ from other Departments or agencies? Will they be protected in any way? They obviously have to sign the relevant documentation and the Official Secrets Act, but there are civil servants who are seconded to GCHQ from other Departments and other agencies around the world. What will be their position? Will they be covered by the Bill?

The Minister of State, Cabinet Office (Angela E. Smith): I thank hon. Members for their comments. I shall first set out the scope of the amendment and then address their questions.

[Angela E. Smith]

Clause 1 sets out the scope of the provisions relating to the civil service and specifies the parts of it to which they will not apply, such as the Northern Ireland civil service, the Northern Ireland Court Service, the Security Service, the Secret Intelligence Service and GCHQ. The Bill also makes it clear that staff employed overseas, known as locally engaged staff, are not covered by its provisions.

The amendment tabled by the hon. Member for Cambridge (David Howarth) would bring GCHQ within the scope of the Bill. I can reassure hon. Members that staff who work at GCHQ are civil servants, and I understand that Members wish to explore the Government's reasons why those civil servants are not to be treated in the same way as those who are covered by the provisions in question.

Hon. Members said that GCHQ staff were included in the 2004 Bill. Recent world events have, of necessity, driven the three UK agencies in question—GCHQ, the SIS and the Security Service—to work together more closely and in a more dynamic and joined-up way. They share intelligence and resources to meet ever-changing priorities in their operational work. By responding to threats and attacks as a joined-up community, they can act more effectively and efficiently.

GCHQ works closely with the other agencies, and all three already operate under statutory provisions that cover their activities and conduct—in the Security Service Act 1989, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000. It therefore makes sense for all three to operate on a similar footing, and the Joint Committee on the Bill endorsed that approach. The three agencies also have robust and independent staff complaints procedures, and the funding for them is grouped together.

The Select Committee on Public Administration commented that

"unlike most of the rest of the civil service, GCHQ and the other Agencies are already established in statute, and...they have to operate under particular conditions that do not apply to most of the rest of the civil service. The legislation covering the Agencies sets out to ensure that their activities remain within set purposes, and it establishes complaints mechanisms for the public if they are concerned about these activities."

It went on to suggest that the Joint Committee may wish to explore the issues of staff raising complaints and whether staff should continue to be recruited on merit in future.

Hon. Members have mentioned the need to treat GCHQ staff in the same way as those at the security and intelligence services. The Joint Committee agreed with that but asked for assurances that GCHQ staff would be given the same right of access to an independent complaints mechanisms as those at the other agencies and that, as a general rule, staff at GCHQ would be recruited on merit. In the Government's response, we gave both those assurances.

David Howarth: But is not the point that there is no statutory basis for those promises, whereas there is for staff in the other services in the legislation that she mentioned?

Angela E. Smith: The Government have given assurances that staff will have an independent complaints mechanism and that they will be recruited on merit, and I can repeat those assurances to the hon. Gentleman and the Committee today.

I am grateful to the hon. Member for Cheltenham (Martin Horwood) for mentioning the rights of GCHQ staff. If he had not, I would have done. It was this Government who gave trade union rights to GCHQ staff, as my hon. Friend the Member for Walsall, North (Mr. Winnick) mentioned, and we are proud of that. I hope that hon. Members are reassured by my repeating our assurances on protection for staff.

Mr. Heald *rose—*

Mike Penning *rose—*

Angela E. Smith: I give way first to the hon. Member for North-East Hertfordshire (Mr. Heald).

Mr. Heald: Does not the right hon. Lady understand that the whole purpose of part 1 of the Bill is to put on a statutory basis the protections that civil servants have had? It is not good enough for her to say, "I am making an assurance", because the whole purpose of part 1 is to put things into law, not have them on the basis of assurance. I do not know whether she has understood that, but it is what the whole campaign for a civil service Bill has been about.

Angela E. Smith: Before I respond, I believe that the hon. Member for Hemel Hempstead (Mike Penning) wanted to intervene as well.

Mike Penning: My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) is exactly right. Part 1 sets out the protection to be given to civil servants. If the Minister can give assurances to the Committee and to civil servants, why are they not in the Bill? That is what part 1 is all about.

Angela E. Smith: The assurance that I can give hon. Members is that the same right of access to complaints procedures will be available to GCHQ staff as to staff of the other agencies. I understand that GCHQ staff were consulted about that and raised no objections.

Mr. Gordon Prentice (Pendle) (Lab): Under what circumstances would appointments at GCHQ not be made on merit?

Angela E. Smith: I would expect only in very rare and exceptional circumstances, because appointments are made on merit. As the general public would understand it, all appointments are made on merit and the person most appropriate for a post is chosen. The Joint Committee asked for an assurance that in general appointments would be made on merit, and the Government gave that assurance. I therefore ask the hon. Member for Cambridge to withdraw the amendment in the light of the assurances that I have given the Committee.

David Howarth: I was hoping that the Minister would provide an answer to the question that we have all been asking, which is why the Government have changed their stance since 2004. We have not received any explanation of that at all. I was also hoping that she might be able to provide chapter and verse about the statutory protection of GCHQ staff that would put them on the basis that the Bill offers to other civil servants. She was not able to do that, either.

It seems to me that the Minister's only argument is that she is offering assurances from the Dispatch Box, but they are exactly the sort of assurances that would apply were the whole civil service still to be established merely on the basis of the royal prerogative. They seem to me simply a repetition of what is in the Bill.

Mike Penning: Can the hon. Gentleman give us a clue as to why the Minister would not indicate what the exceptional circumstances would be in which someone was not promoted on merit? Why does he believe she did not let the Committee know that?

David Howarth: I do not know, and that point is by far the strongest case for the amendment that has been established in the debate. Appointments to positions at GCHQ must be on merit, because they are technical jobs. What does it mean for an appointment not to be made on merit?

Sir Alan Beith (Berwick-upon-Tweed) (LD): Will my hon. Friend give way?

David Howarth: I shall attempt to answer the question, and then my right hon. Friend might provide a better answer.

It seems to me that an appointment not on merit would be an appointment on political grounds, and I cannot see under what circumstances there could be an appointment to GCHQ on political grounds. My right hon. Friend might enlighten us.

Sir Alan Beith: I was going to put it to my hon. Friend that I was as baffled by the Minister's reply as he was. I am looking around the Chamber, and I believe that it happens that I have spent more time than anybody else who is in their place inside GCHQ talking to people there about precisely what they do. I have never met anybody there at any level who did not appear to have been appointed on merit.

David Howarth: I am sure that that is the case, so why the Government desire to have this loophole is entirely mysterious to me. Because of that, I wish to press the amendment to a vote.

Question put. That the amendment be made.

The Committee divided: Ayes 51, Noes 281.

Division No. 235] **[6.58 pm**

AYES

Alexander, Danny
Barrett, John
Beith, rh Sir Alan
Breed, Mr. Colin
Brooks, Annette
Browne, Mr. Jeremy
Burstow, Mr. Paul
Burt, Lorely
Campbell, rh Sir Menzies
Corbyn, Jeremy
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Kaetch, Mr. Paul
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Lloyd, Mr. Elfyn
MacNeil, Mr. Angus
McDonnell, John
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Pelling, Mr. Andrew
Prentice, Mr. Gordon
Pugh, Dr. John
Rennie, Willie
Robertson, Angus
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Simpson, Alan
Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Webb, Steve
Williams, Hywel
Williams, Mr. Roger
Willott, Jenny
Wishart, Pete
Younger-Ross, Richard

Tellers for the Ayes:
Mark Hunter and
Martin Horwood

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Hermon, Lady
Hesford, Stephen
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim

Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Wilson, Sammy
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David

Tellers for the Noes:
Mr. Bob Blizzard and Mr. John Heppell

Question accordingly negatived.

David Howarth: I beg to move amendment 10, in clause 1, page 2, line 21, at end add—

(5) (a) Within two months of this section coming into force, the Minister for the Civil Service shall issue a list of all bodies and organisations that are to be treated for the purposes of this Act as part of the Civil Service.

(b) The Minister for the Civil Service shall from time to time review the list referred to in (a) and shall issue an amended list if he believes it appropriate to do so.'.

The Chairman: With this it will be convenient to discuss the following: New clause 33—*Civil Service annual report*—

'(1) The Minister for the Civil Service must publish and lay before Parliament an annual report on the functioning of the civil service of the state.

(2) The Minister for the Civil Service may publish separate reports covering civil servants who serve the Scottish Executive or the Welsh Assembly. Before publishing these separate reports the Minister must consult the First Minister for Scotland or the First Minister for Wales (as the case may be).

(3) Such a report must include but is not limited to—

(a) details on the numbers of civil servants by each government department and agency;

(b) the costs of civil servants by each government department and agency;

(c) a comprehensive definition of the civil service of the state for that year.

(4) The First Minister for Scotland must lay before the Scottish Parliament any report under subsection (2) that covers civil servants that serve the Scottish Executive.

(5) The First Minister for Wales must lay before the National Assembly for Wales any report under subsection (2) that covers civil servants that serve the Welsh Assembly Government.'.

Clause 1 stand part.

The Committee will know that the list of amendments selected is provisional. Having had time to reflect on the matter, I thought that it might be for the convenience of the Committee if I included clause 1 stand part in this grouping, as the remarks that I sense hon. Members may wish to make would not then be restricted.

David Howarth: A central issue in this Bill is the question: to whom does it apply? Who counts as a civil servant? There has been debate for many years on the merits of a civil service Bill, and about the importance of giving statutory protection to civil servants, so that they do not rely simply on the good will of the Government of the day in important aspects of their working lives. Obviously, once one accepts the principle of statutory protection for civil servants, the question of who counts as a civil servant becomes very important.

In this Bill, the Government have simply not attempted any definition, or even any description, of what counts as the civil service. The Minister may be able to point me to a part of the Bill where I can find such a definition, but I have not been able to find it. Clause 1(1) simply states that:

"this Chapter applies to the civil service of the State."

It makes no further attempt to say what that means.

In contrast, in the Government's consultation on the 2004 Bill, they said:

"Because there is no satisfactory, authoritative and comprehensive definition of the term 'Civil Service', in order to achieve the necessary clarity and certainty about coverage, the draft Bill proposes that there should be a comprehensive listing of every part of the Civil Service to which the Bill is to apply."

Then, the Government accepted the fact that it is difficult to define the civil service in abstract terms, so the solution was to list in the Bill the organisations and bodies that would count as part of the civil service for the purposes of the Bill. The 2004 Bill included that list in a schedule. That is an important list, because it includes organisations that, if the only definition in the Bill was

"the civil service of the State",

could be defined as being in or out of the civil service.

7.15 pm

For example, is ACAS in the civil service or not? Are the people who work for ACAS civil servants or not? The 2004 Bill included ACAS. I do not want to go through the entire list, but there is ambiguity about other similar bodies. For example, does the civil service include regulatory organisations such as Ofwat, the Office of Rail Regulation and Ofsted, or the various inspectorates such as Her Majesty's fire service inspectorate, or the Health and Safety Executive? Are the people who work for those bodies civil servants or not? In every case, the answer according to the 2004 Bill is yes. All those organisations were covered. Are they covered by the present Bill? The problem is that we do not know.

This amendment asks the Government why, if in 2004 they thought that it was not satisfactory to leave the question alone and that we needed not only a vague general definition but a list of the organisations to which the Bill would apply, they have now suddenly changed their mind, and say that the lack of an authoritative and comprehensive definition is satisfactory. This is not an abstract point. It is important, because on this question turns who counts as a civil service employer—and that is important because it is the only way we have of telling whether the various rights in the Bill apply. In particular, clause 9 includes the right to an investigation by the Civil Service Commission. How can it possibly be a matter of dispute whether someone is entitled to invoke that right?

I hope that at some stage in our discussions we will consider the duties of civil service employers and Ministers to act impartially towards their employees. We do not know whether that will apply to some sets of employees unless we know who counts as a civil servant. The important issue of appointment on merit was raised in the previous debate. Does the requirement of appointment on merit apply to a particular job? If we cannot tell whether that is the case, the Bill collapses into unacceptable uncertainty and vagueness.

Mr. Heald: Many of the bodies that the hon. Gentleman mentions, over which questions as to whether they are part of the civil service may arise, perform functions that can be controversial—such as regulators or the Health and Safety Executive. It is all the more important that it should be clear whether civil servants working in those organisations will have the protection of the Act, and can make complaints if an attempt is made to interfere with a controversial decision.

David Howarth: That is an important aspect of the question. Are civil servants protected from improper pressure, for example? Do they have the protection of the code? If they do not, what is their protection? The hon. Gentleman is right. Many of the bodies concerned are charged with making judgments with which the Government of the day might not agree, which makes it even more important for us to know whether they are covered.

On amendment 10, I hope that the Government can provide a better explanation of their position than they did on the previous amendment. I shall not comment now on new clause 33, which has been grouped with my amendment, except to say that we agree, of course, with the part of it that demands that the Government tell us who counts as a civil servant.

Mr. Maude: I apologise, Sir Alan, for being a little previous in attempting to intervene during the last grouping. I have worked out that I last led for my party during the Committee stage of a Bill in 1992—so perhaps I am a little rusty. However, I hope that I shall get the hang of it before long.

The Conservative party supports the proposal in amendment 10, but new clause 33, which stands in my name and in those of my hon. Friends, goes further. The Bill has been in gestation for 150 years: it has taken a long time to get here. It does some very good things, and we support its purpose of putting the civil service on to a statutory basis—but it is deeply eccentric that after 150 years, we have a Bill to put the civil service on to a statutory basis that does not say what the civil service is. This is a moveable feast—and one that is broadly at the discretion of the Government. It seems to be almost at the whim of the Government, too.

I am always astonished that if a Member of Parliament puts down a parliamentary question to the Cabinet Office about civil service numbers, answer comes there none. The question is referred to the Office for National Statistics, as if the number of civil servants were an external phenomenon that the Government tried to track out of interest, but they had no concept of its being a crucial management tool. In truth, at this stage, it is a management tool of considerable bearing on reducing Britain's ballooning budget deficit.

The fact is that the numbers of civil servants have varied enormously. The Government claim that they have reduced the size of the civil service. They claim to have "achieved 86,700 work force reductions" as part of the Gershon programme. Civil service employment was 522,000 in 2008. I accept that that was down from the 2004 peak of 570,000, but it was still higher than the 516,000 level of 1997.

The recent fall is deceptive. There has been a significant expansion in the size of the quango state, which is not shown up in civil service head-count figures, and there

[Mr. Maude]

has been a growth in the number of quangos classified as public corporations, rather than as part of the civil service. In 1996, 89 such bodies were classified as public corporations, but by 2008 that number had doubled to 178. Staff in public corporations are generally not classified as civil service employees for civil service head-count purposes. No fewer than 568,000 staff are now employed by public corporations, compared with 525,000 civil service employees. Mysteriously, only 31,000 of those public corporation staff are included in the civil service head count.

There has also been a shift of bodies from the civil service into public corporations. For example, the Forensic Science Service became a Government-owned company in 2005 and was transferred out of the Home Office, so was no longer counted in civil service head counts.

Mr. Heald: My right hon. Friend will have seen that part 1 of the Bill sets up, as a body corporate, the Civil Service Commission. Will the people who work there be civil servants?

Mr. Maude: I look forward with interest to the Minister's response to that question—*[Interruption.]* She is looking anxiously to the civil servants Box for advice on that important matter—so at least it should come from the horse's mouth.

Executive non-departmental public bodies, with the exception of three Crown NDPBs, are not counted within civil service head counts, and regional development agencies are not deemed to be part of the civil service either. In the last year for which there are numbers, there were more than 200,000 NDPB employees. Furthermore, a series of what are effectively public bodies are not deemed to be part of the public sector at all—the Carbon Trust, Envirowise, the Energy Saving Trust, Network Rail and UK Financial Investments Ltd are not counted as civil service, central Government or even the public sector, yet all are funded by the Government.

Of crucial importance, at a time when it is enormously important for the health of the country that the Government can, in the years to come, get more for less, given the pressing demands of the budget deficit, is the fact that the growth in the number of employees has been accompanied, sadly, by a productivity decline. The ONS's own figures show that between 1999 to 2006 there was an average fall of 0.7 per cent. per year in education productivity and a decrease of 2.1 per cent. per year in social care productivity, and that between 2001 and 2005 there was a decrease of 2 per cent. in health care productivity.

We would like a more transparent and efficient civil service that is a better place in which to work. Many extremely capable people, imbued with a public service ethos—we value that enormously—work in the civil service, but morale is very low. That is partly the result of a lack of transparency, efficiency and productivity. Public accountability is crucial, which is why we think that there should be a civil service annual report clearly laying out the definition of the civil service. That is what new clause 33 would achieve. We support amendment 10, which was moved by the hon. Member for Cambridge (David Howarth), but if that does not proceed to a vote, we will want a Division on new clause 33 at a later stage.

It is important for there to be a proper definition of the civil service, and for the numbers and costs associated with civil servants, in each Department and agency, to be laid out. The civil service has been waiting since, I think, 1854—not the current crowd of civil servants, clearly—for a civil service Bill, and it would be almost an insult were this eventual enshrinement in statute to be without any attempt to define it. It would then remain in the gift of the Government to decide arbitrarily and at whim who is to be covered. We therefore wish there to be the possibility of a Division on new clause 33, if amendment 10 does not proceed to a vote.

Dr. Alan Whitehead (Southampton, Test) (Lab): I want to address the narrow point about the precise definition of a civil servant in clause 1(1). As hon. Members have pointed out, that subsection states that

"this Chapter applies to the civil service of the State."

Clause 1(4) says:

"In this Chapter references to the civil service...are to the civil service of the State".

It then excludes the parts mentioned in subsections (2) and (3) that we have discussed already.

If we then seek further guidance by going, as one normally would, to the definitions in the Bill, we find, in clause 18, the following definitions:

"In this Chapter...'civil servant' is read as stated in section 1(4)",

and

"civil service" is read as stated in section 1(4)".

We are therefore returned to the start, rather in the manner of one of those telephone calls when someone tries to get through to pay their electricity bill, but is returned to the number that they first dialled, without any satisfaction of their complaint. It is not just that the Bill apparently contains no extensive definition, but that such definitions as it does contain are completely circular.

7.30 pm

That concerns me; indeed, I raised the matter on Second Reading in an intervention on my right hon. Friend the Secretary of State for Justice. In answer to my question about whether the Bill's provisions cover the civil service as it is now, as opposed to its undifferentiated form after Northcote-Trevelyan, he said:

"I hope they do, but as my hon. Friend raises this point let me add that I am happy to ensure that they do. There is an issue to do with the growth of next steps agencies and non-departmental public bodies, which have arisen since the reforms introduced by the previous Administration in the early 1990s. It is certainly of concern to me that NDPBs can appoint their own staff and that they are not public servants; that creates difficulties and can lead to unacceptable and unjustifiable levels of pay and wage drift, as well as other anomalies and conditions."—*[Official Report,* 20 October 2009; Vol. 497, c. 803.]

My right hon. Friend has clearly thought about the matter in depth and considers there to be some anomalies and problems, as well as some issues relating to the question of when a civil servant is not a civil servant.

If we are to place the civil service on to a statutory footing, as I hope we will, in respect of requirements for its practice and all that that entails, which I warmly welcome, the most elementary starting point would be to know who we are putting on to a statutory footing. I appreciate that that is a difficult problem. I also appreciate,

on the basis of the precise points that the Secretary of State made in reply to my intervention on Second Reading, that the issue has arisen to some extent as a result of the differentiation over time, and substantially so relatively recently, of what one might describe in common-sense terms as the civil service. Hon. Members have already given examples of boards and bodies that one might consider to be part of the civil service in common-sense terms, but which turn out not to be. There are also examples of bodies that one would think were not part of the civil service, but which turn out to be just that. It is therefore important to find, one way or another, a mechanism for the Bill to perform that service of defining who is and who is not a civil servant for the purposes of the rest of the legislation.

Incidentally, a little while ago I tabled a written question that sought to define that point in terms of NDPBs, agencies and various other things. I regret to say that my question has not yet been answered, but perhaps any answer that might be provided in the fullness of time could provide some illumination of what we are discussing in connection with the Bill.

Amendment 10 might not quite fit the bill in that respect. However, at the very least, I would like my hon. Friend the Minister to provide in her reply to this debate an assurance that the definitions in the Bill will be urgently considered, and that some thought will be given to introducing some mechanisms, whether in the Bill or associated with it, to clarify what we are talking about in the rest of the Bill as it proceeds through the House.

I am not sure that new clause 33 fits the bill. Although it says that the Minister for the civil service

"must publish and lay before Parliament an annual report on the functioning of the civil service of the state",

it does not really take us any further on the fundamental question of what the civil service of the state is. Although "the civil service of the state" might indirectly be defined in the laying of a report on its functioning before Parliament, that is not necessarily the case.

I hope that my right hon. and hon. Friends on the Front Bench will consider how a mechanism might be found to supply that definition more satisfactorily, accepting, as I think everybody in the House does, that this is by no means an easy task and that any definition would by no means be constant, but that such a definition is nevertheless important for the integrity of the Bill as it leaves this House.

Several hon. Members *rose—*

The Temporary Chairman (Sir Nicholas Winterton): Order. Before I call the next speaker, may I remind the Committee of the decision taken by the Chairman of Ways and Means to include the clause stand part debate in the debate on the group headed by amendment 10?

Mr. Andrew Tyrie (Chichester) (Con): I am grateful for that ruling, because some of my remarks will range more widely than those that we have heard hitherto. I agree with everything that I have just heard, in a typically thoughtful and interesting speech from the hon. Member for Southampton, Test (Dr. Whitehead).

When Lord Falconer described the Bill in his evidence to the Joint Committee not as a constitutional reform or renewal Bill, but as a "Constitutional Retreat Bill", he was basically correct. The radicalism of the early prime ministerial statement in 2007 has been virtually entirely lost in this legislation. The removal of the clauses on the Attorney-General, among many other things that have been referred to today, is a reflection of that.

However, Lord Falconer was wrong about one thing: civil service reform, as embodied in clause 1. The clause applies part 1 of the Bill to the civil service of the state, on which new clause 33 would give us an annual report. Clause 1 is radical, but in a curious way: it is a triumph for the status quo. Indeed, in places it even offers the possibility of restoring the status quo ante for the civil service. The clause entrenches the principle of an independent, impartial and permanent civil service recruited on merit. In doing that, we need to recognise that, by comparison with the civil services of many other major democracies, we are at one extreme in our levels of impartiality and impermanence. It is on such issues that I am at my most conservative, and I welcome this triumph of the status quo.

We have had—and to a large degree we still have—a civil service that works. The history books suggest that since Northcote-Trevelyan dealt a blow to patronage, we have been well served by the people who have come into the civil service, and we are still well served. Anybody who has worked there will know the sense of duty, commitment and loyalty that the civil service can show to the Government of the day. There is still such a thing in this country as a public service ethos, and the best of them in Whitehall have it in bucketfuls. If clause 1 makes a contribution to reaffirming that ethos, the Bill will have been worth while. The civil service is an important pillar of our constitution. This legislation will strengthen that pillar, if only a little.

In this triumph of what I have described as the status quo, we need to realise that we are setting aside many other approaches to the relationship between elected Ministers and, on the one hand, Parliament and, on the other, the appointed civil service. One of those approaches, which has often been discussed, would be to make the civil service more directly accountable to Parliament, as the Institute for Public Policy Research has suggested. Another approach, favoured by the think-tank Reform, would be to give Ministers more say over the direction of the permanent civil service establishment. That would take us in the direction of the United States. A third approach would be to keep most of the civil service as it is, but to superimpose at the top a cabinet system in each Department.

I will not linger on those approaches, except perhaps briefly on the third one. My guess is that one reason that support for civil service legislation has gathered pace in many quarters, especially in Whitehall itself, is that we have, de facto, tried the cabinet system over the past decade and, having tried it, found it wanting. I wonder whether that is why Lord Butler, among others, changed sides on this issue. He was a former opponent of a civil service Bill; now he is a supporter.

When people refer to the growth of presidentialism under Tony Blair, what they mean is the growth of a cabinet of advisers, largely temporary and party political, right at the heart of No. 10 and No. 11. Their position was reinforced by Orders in Council in 1997, giving advisers direct authority over civil servants. That was a profound mistake that has rightly been reversed. Cabinets should not be allowed to become part of our political culture. The bypassing of the civil service that came with that, and the impact of sofa government, were both disastrous for us. Clause 1 and its companions do

[Mr. Andrew Tyrie]

not guarantee that that will not happen again, but they send a clear legislative signal that that is not how our civil service should operate. That is why I said earlier that this chapter of the Bill will entrench not only the status quo but, to some degree, a status quo ante.

When I was in Whitehall, I was not a supporter of proposals for a civil service Bill. I thought that such legislation would be a waste of parliamentary time. However, I then sat on these Benches in the early years of the Blair Administration watching the new Labour Government bypassing officials and prejudicing the ability of the civil service to offer impartial advice to the Government, and that led me to conclude that we might need legislation to protect the civil service from the new culture of advisers and to signal Parliament's support for the ethos of public service set out in the civil service code of conduct, which had recently been improved prior to the arrival of the Blair Administration.

This part of the Bill lays the ground on which a proper relationship between the civil service and politicians can be maintained for the future. That relationship requires Ministers to provide strategic direction to the civil service. It also requires the civil service, led by permanent secretaries, to implement that direction, having warned Ministers—and having been given a reasonable opportunity to be heard by Ministers, a point that Robin Mountfield has made on numerous occasions—if those officials think that the direction of a policy is deeply flawed or would result in a failure of delivery.

I do not pretend that the lack of leadership that we have seen from time to time recently is a uniquely Labour disease. It has afflicted previous Governments as well. It is, however, reasonable to ask how things have operated recently. For example, how much strategic direction can have come from the merry-go-round of ministerial reshuffles that we have had? I think that we have had four Secretaries of State for Transport in three years, four Defence Secretaries in four years, and four Home Secretaries in five years. The right hon. Member for Airdrie and Shotts (John Reid) takes the record, having held seven Cabinet posts in eight years. He described the Home Office as "not fit for purpose", but it was ministerial leadership, not the civil service, that was not fit for purpose.

From what I have seen, the civil service aches for good leadership. It wants to implement the plans of elected Governments, not to thwart them. It is when politicians fail it—and only then—that some civil servants are transmogrified into a caricature of Sir Humphrey. This is not just about a failure of strategic leadership, however. Ministers have also used the civil service in ways that they should not have. The Neill Committee warned, as early as 2000, that Ministers were pushing senior civil servants to the margin in the provision of advice, while interposing their own advisers. The role of the adviser was being transformed into that of a spin doctor, a fact reflected most notoriously in the Jo Moore affair at the Department for Transport, Local Government and the Regions. Imagine the state of morale when the permanent secretary in that Department was quoted as saying—I shall not use his exact language; I shall just use the first letter of some of his words—the following:

"We're all f***ed. I'm f***ed. You're f***ed. The whole department is f***ed. It's the biggest cock-up ever. We're all completely f***ed."

Morale must have reached a terribly low level for that exchange to have taken place, and that applied right across Whitehall, not just in that Department.

7.45 pm

The Better Government Initiative—a group of Britain's most senior civil servants—stated in a recent report, which is available on the web:

"Providing candid advice has always been a difficult and potentially risky task for the civil service. There are suggestions"—

that phrase is typical mandarinese—

"of a loss of confidence amongst civil servants that this is a part of their job."

We need this legislation. It was envisaged in the 1850s, and it is typically British that it should have taken us 150 years or so finally to get round to it. There have been several periods in which having the civil service on a statutory footing might have helped it, including periods during the past decade. Let us now get the job done.

Mike Penning: I can say that the Minister of State, Cabinet Office, the right hon. Member for Basildon (Angela E. Smith) is a friend of mine, as I have known her for many years, but by the time we get to the end of this part of the Committee stage, I might be stretching that friendship an awfully long way. I shall be doing that not out of spite, however, but because I want the Bill to be successful. It is an enormously important Bill, and we have waited an awfully long time for it. That is why I rise to support amendment 10 and new clause 33. I accept the point made by the hon. Member for Southampton, Test (Dr. Whitehead) that, on their own, neither does everything that he and I are looking for, but together they are a damned sight better than what is in the Bill at the moment.

I am very suspicious of why the Government have not defined what they mean by the civil service, and perhaps the Minister will explain that to me when she responds to the debate. We have heard that earlier legislation specified all the way through which organisations were part of the civil service. That was excellent for Parliament, as well as for the employees of those agencies and Departments, who knew exactly where they stood. On the day before an important report is due to be published on MPs' expenses, the need for trust in this Chamber and in the Government is paramount. So why on earth have the Government not set out in the Bill what a civil servant is, and what the civil service is?

An organisation that comes under my shadow remit is the Food Standards Agency. I do not know whether it is part of the civil service or not. It rightly tells me that it is an arm's length organisation set up by Parliament, with a chair, and that it is an independent advisory body. As far as I understand it, however, its employees are civil servants. We would never know such things from looking at the Bill.

I am suspicious about where all the civil servants might have gone. My shadow responsibilities involve the Department of Health, and if I am lucky enough to become a Minister of the Crown in that Department, I shall want to know how many civil servants I am responsible for, where the money is going and what departments within that structure are accountable. The Bill, as it is structured, gives me absolutely no idea. I have asked people who come to visit us from the various

agencies whether they are civil servants. Some say yes, and some say no. The public, and the civil service, want these arm's length organisations to be set out in the Bill, right at the start, so that we know where we are.

My right hon. Friend the Member for Horsham (Mr. Maude) spoke earlier about the size of the civil service. Under Gershon, the civil service should have shrunk; actually, however, we find that it has not. Perhaps the Government are worried that if they build the numbers into the Bill, we would all know just how big the Government payroll is within the civil service.

We know that there has been a huge increase in the number of consultants in the civil service and Departments. Do they fall under the remit of the Bill? Do they have its protection? Some of them have very senior roles in Departments. Senior consultants are working in the Department of Health, for instance, with civil servants working below them. Such people do not have civil service contracts; they are consultants in a Department. Are they covered by the Bill? If they are not, how do the civil servants working below them know where they stand?

I suspect that there has been some smoke and mirrors in the civil service, so that numbers have been lost from the payroll but people have come back in through another door as consultants. There is some evidence of that. We need to know the exact costs involved in the civil service—new clause 33(3)(b) would make the Government come forward each year with those exact costs—but how can we calculate them if we have no idea which Departments, which quangos, which arm's length organisations are part of the civil service?

It is important that both amendment 10 and new clause 33 are agreed to in order to take the Bill forward. They are not perfect—I accept what the hon. Member for Southampton, Test said—but they are a lot better than what we have now and we might be able to build on them as the Bill goes through the House.

Mr. Heald: I want to follow the remarks of my hon. Friend the Member for Chichester (Mr. Tyrie) in saying how welcome it is that chapter 1 applies to the civil service of the state and that there is protection for the impartiality and objectivity of our civil service, which I believe to be precious. During the early years of the Labour Government, that was damaged by a change in the way in which the Government did their business. Some of the traditional, formal methods by which we had ensured good government came to be damaged during that period. It is right to say that there is a different climate for the civil service generally today, with more people entering it at a later stage rather than trained civil servants moving up the grades. That also impacts on why it is necessary to have a civil service Act.

There is a long history to this issue—my right hon. Friend the Member for Horsham (Mr. Maude) went back 150 years—but as recently as 1996 the Liberal Democrats and the Labour party had a joint commission and pledged themselves to a civil service Act. The commission said in clear terms before the 1997 general election that a civil service Act should

"give legal force to the Code"—

the civil service code—

"which should be tightened up to underline the political neutrality of the Civil Service"

and

"clarify lines of Civil Service and ministerial accountability and responsibility."

Soon after the election, in July 1998, in response to a House of Lords report, that commitment was confirmed.

In 2000, the Committee on Standards in Public Life, on which I sit—albeit not on the current Kelly inquiry into Members' expenses—produced its sixth report and called for a timetable for a civil service Bill. In their response in July 2000, the Government confirmed their commitment to a civil service Act. In 2001, the Committee on Standards in Public Life asked whether the Government were going to go ahead, and Sir Richard Wilson, giving evidence, said yes. Ministers again provided the commitment.

In 2002, the right hon. Member for Kingston upon Hull, East (Mr. Prescott), then deputy leader of the Labour party and the Deputy Prime Minister, said that the Government would "produce the Bill". Needless to say, nothing happened. The Public Administration Committee produced its excellent report towards the end of 2002 or early in 2003 and subsequently a draft Bill, but again nothing happened. In fact, I promoted the Bill and presented it to the House. We had a debate on 21 January 2004, in which the Government again said that they had given a commitment and would produce their own Bill—the Chairman of the Committee may well remember this—before the end of the Session. They did, but we were not given the parliamentary time.

It is somewhat surprising that it has taken these 13 long years to get to the point where we are now. The issue of who is a civil servant and how the problem should be dealt with was raised in a debate on 21 January 2004 by the then Member for Milton Keynes, North-West. The hon. Member for Southampton, Test (Dr. Whitehead) might well have been involved in that debate. The point has been made repeatedly since, so it seems extraordinary that when a Bill is before us, we find no full definition of civil servants of the state. The Minister may well tell us that it will be left for the Civil Service Commission to decide in every case whether a person who is making a complaint is a civil servant, although it may be that the Government are expecting the courts to sort it out. That is clearly unsatisfactory after this long period of gestation.

Mike Penning: My hon. Friend's point about the courts is an important one. As I understand it—I am not a learned gentleman—the courts look at Parliament's intent when an Act is brought into being, but we do not know what Parliament's intent is because it is not built into the Bill. How, then, will the courts be able to judge it, when we do not know the Government's exact intentions?

Mr. Heald: My hon. Friend makes the point exactly—what are the courts to make of it? That is worrying if we look at the problems of recent years, which my hon. Friend the Member for Chichester mentioned. Let us take the concern that Alastair Campbell and Jonathan Powell had executive authority over civil servants, were more powerful than the Cabinet and were able to tell civil servants right across Whitehall what to do—the key concern that they had executive powers. The concern about the inquiry into Dr. David Kelly is another example, as Lord Hutton found it difficult to piece together exactly what had happened because there were no records or minutes kept of meetings with civil servants, as they had been conducted in "sofa government" ways.

[Mr. Heald]

That had an effect on the formal, traditional ways of doing things. Certainly when I was a Minister, the idea that a civil servant would fail to make a note of a meeting, or even of a ministerial telephone call, did not occur; civil servants would listen in and make notes of the discussions. A record was kept and everyone was protected by it. By the time we get to the Hutton report—this is also true of the Butler report into the war in Iraq—there had been a breakdown in those traditional ways of doing things, which had previously safeguarded the impartiality and objectivity of the civil service, while also being for very good for Ministers, because they provided some formal structure and pattern to the way in which they carried out their work.

It is the breakdown in standards, together with some further changes in the civil service, that led senior former civil servants to say that some form of legislation must be enacted. It is welcome that the Bill is where it is, but it is sad that we have not been able to find in it a definition of a civil servant that is capable of holding water. We want to see protections enshrined in statute partly because, as I alluded to earlier, the nature of the civil service is changing.

There was a time when there was a very standard entry procedure and individuals would move up through the grades, being educated as public servants as they went. In a world where many people are now rightly coming into the civil service without that background, it is important to have more structure than we had before. Over the years, it has been said that we need a provision that clearly defines the role of Ministers' special advisers and the formal civil service. I am glad that the Bill does that, but I also want a proper definition of what a civil servant is, so that we do not end up with a lot of court cases and a mess instead of what should be a major reform.

8 pm

Angela E. Smith: I thank hon. Members for their thoughtful contributions and I hope to deal with the points that they have raised.

Most of the debate seems to have revolved around amendment 10, but clause 1 lists the parts of the civil service to which the Bill will not apply. That approach was supported by the Joint Committee that considered the draft Constitutional Renewal Bill. Hon. Members have suggested that the approach in our 2004 draft Civil Service Bill was to define the parts of the civil service to which the Bill applied by providing general descriptions and then listing particular inclusions as well as exclusions.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) asked whether the Government would continue to try to find the best way of dealing with the matter. The Government have done that on numerous occasions since 2004, which is why we are in our current position. After consideration, it was felt that more frequent amendment of primary legislation would be required if we were to ensure the maintenance of an accurate list. The Bill therefore lists the parts of the civil service to which the provisions do not apply, a move that was supported by the Joint Committee.

Concern was expressed about who would and would not be defined as a civil servant. The hon. Member for North-East Hertfordshire (Mr. Heald) said that it would be difficult for civil service commissioners to have to decide, in each case, who was and who was not a civil servant. In all the years in which they have operated, they have never raised that concern; nor have they raised it in the context of the Bill. I understand and am grateful for the hon. Gentleman's concern on behalf of the commissioners, but they have expressed no such concern themselves.

I explained the exclusions in our debate on an earlier amendment. However, I can tell the hon. Gentleman again that the civil service, ministerial and non-ministerial Departments, executive agencies and non-civil servants are not covered. *[Interruption.]* I am trying to be helpful.

The hon. Member for Cambridge (David Howarth) asked what was meant by

"civil service of the State".

I can tell him that exactly the same term was used in the Superannuation Act 1972, and no problems have arisen from that.

Mr. Tyrie: When the Minister says that non-civil servants will not be covered, does she understand that there is an element of circularity in her definitions?

Angela E. Smith: I use the term merely for the purpose of clarity.

I was surprised that the hon. Member for Hemel Hempstead (Mike Penning) was not embarrassed to ask his question. I assure him that it does not test our friendship, because, as always, I am happy to help. However, he admitted that, as a shadow Minister, he does not even know whether, were he ever to be a Minister, one of the bodies that would come under his responsibility would consist of civil servants. I can tell him that it would, and that I should be happy to help him in the future.

Mike Penning: What I was asking was whether that body fell within the scope of the Bill. I was not asking about its current status. The Bill refers to no organisation, so it is a question of interpretation.

Angela E. Smith: The hon. Gentleman is completely wrong. As I have made clear, civil servants who are not excluded will fall within the Bill's ambit.

The right hon. Member for Horsham (Mr. Maude) mentioned those employed by non-departmental public bodies. As he said, they are not part of the civil service. They have deliberately been placed at arm's length, and it has deliberately been ensured that they are not part of Government Departments.

Mr. Heald: The Minister may have just answered the question. A list was drawn up in 2004. Is she saying that all employees of the bodies that were on that list on 2004, on which there had been consultation, are civil servants, and that the only people who are not are those employed by the security services—as the Bill says—and by non-departmental public bodies?

Angela E. Smith: Everyone who is a civil servant is obviously included unless he or she is specifically excluded. Everyone who signs the civil service code is included unless he or she is specifically excluded.

The right hon. Member for Horsham asked an interesting question—whether commissioners themselves were civil servants. The answer is that they are not, because they are appointed by the Queen.

New clause 33 would require the Minister for the Civil Service to publish an annual report giving details of the structure, cost and state of the civil service, and proposes that separate reports may also be published in respect of the devolved Administrations. Currently, each Department and agency, along with the devolved Administrations, publishes an annual report setting out in detail its work, performance, structure and financial position. The Office for National Statistics is responsible for publishing, each quarter, the number of civil servants employed by each Department and agency. The ONS also produces annual statistics that provide for more detailed information on the composition of the civil service. The detailed information, published by the ONS as "Civil Service Statistics", contains more than 40 different tables, and a range of demographic and other information.

Mr. Maude: Does the Minister not find it slightly embarrassing that the Cabinet Office, where she is Minister responsible for civil service matters, has shrugged off any knowledge of civil service numbers, and regards the information as something to be tracked randomly by the ONS? Is that information not central, and should not the centre of Government be in possession of it?

Angela E. Smith: Mr. Winterton—[HON. MEMBERS: "Sir Nicholas."] I am sorry; Sir Nicholas. I should have thought that the ONS would be quite insulted—as I hope you are not by my mistake—by the word "randomly", and by being dismissed in such a way. I can think of no more authoritative body to provide statistics for the Government, the House and the wider public.

The civil service commissioners publish an annual report on their activities, which could include comments on the state of the civil service. I would argue that comprehensive information is already available. If new clause 33 were accepted, it would duplicate current practice. It would impose additional burdens and costs that would be disproportionate to any perceived benefit—which I cannot identify—and it is really not necessary.

David Howarth: This has been a very frustrating debate. Whenever the Minister has been asked whether a certain body is part of the civil service, she has asserted with absolute certainty that she knows the answer, and has given an answer. If the answer were as clear as that, the Government would surely be in a position to provide a definition, so why have they not done so?

The Minister has said that anyone appointed by the Queen is not a civil servant. That is a good start, but why? She has said, although I was not too sure about this, that everyone who is employed by a non-departmental public body is not a civil servant—or was it every member of one? Again, I was not too sure. Why? Perhaps the members are appointed by the Queen, but obviously the employees are not. I am not sure why that is so clearly the case. Either the Government have at the back of their mind a definition that they are not revealing to us, or they do not have one and are simply trying to look certain about something of which they are not really certain.

This has been an interesting debate. Many points were raised about the general principle of the Bill, which I support for the reasons given by the hon. Member for Chichester (Mr. Tyrie). The most important part of the debate on this amendment and new clause, however, was initiated by the hon. Member for North-East Hertfordshire (Mr. Heald), who asked what would happen if it was not clear, in a particular case, whether the Civil Service Commission should act or not. If a person complained to the commission that activity within Government was in breach of the code, would the commission have jurisdiction or not? In the first instance, that is an important question for the commission, but what happens if the applicant disagrees with the commission's decision and goes to court? Are the Government saying that they are giving up on the question of what counts as a civil servant and that they will leave it up to the courts, and are doing so in circumstances where, if one were looking for parliamentary intention, it is not possible to tell what that is, because we in this Committee do not know what it is?

The hon. Member for Hemel Hempstead (Mike Penning) gave the example of the Food Standards Agency. The FSA was included in the 2004 draft Bill, but the other FSA—the Financial Services Authority—was not, so the question is this: which FSA are we talking about? The answer to that is unclear.

Mr. Tyrie: Does the hon. Gentleman agree that the courts will use Pepper *v.* Hart? They will look at what has been said here, and they will find what I think was the only clear definition, which is that anybody who has signed the civil service code is a member of the civil service. That seems to suggest that anybody who decides they want to sign it can then call themselves a civil servant.

David Howarth: I am glad the hon. Gentleman raised that point, because that appeared to be the import of what the Minister said. Since the civil service code is on the web, I presume anyone can print it off and sign it, and thereby define themselves as civil servants. This does not make any sense at all.

Mike Penning: As I understand it, a consultant working in a Department has to sign the civil service code, but they are a consultant rather than employed by the civil service. Will they fall inside or outside the definition?

David Howarth: That is a very good question. Judging by the Minister's account, it depends on whether the person wants to sign it, and if they do want to sign it, then they are a civil servant. This is not at all satisfactory. The problem in terms of the courts is that they will try to work out the intention of Parliament and we are trying to get the Minister to put on record what her intention is, but she seems entirely incapable of doing so. She gives the impression that she has some sort of definition to hand, but we cannot work out what it is. She gives examples, but if one attempts the normal case law technique of joining them together to produce a rule, one cannot work out what the rule is that lies behind those examples. This seems to me to be entirely the wrong approach, and if the Joint Committee supported that approach, it could not have been in a position to work out what it was doing.

Dr. Tony Wright: I have some sympathy with what has been said, but as someone who has sat through countless discussions of this issue over the years I have to say that the conclusion the Government have arrived at is the conclusion most people have arrived at: that this is the only simple way to deal with the matter.

David Howarth: If the distinguished Select Committee Chairman is saying that the only way to deal with this is to leave it to the courts, that is a counsel of despair, especially in circumstances such as these in which we are not offering the courts any guidance. The approach in the 2004 Bill seems to me to be better. If one cannot offer a coherent definition, the next best thing to do is not to do nothing, which is what the Government are doing, but to provide a list. The 2004 Bill did that, and amendment 10 would require the Government to go down that road. It would also give them the power to change the list from time to time.

I do not want the Committee to divide twice on the same issue, and I recognise that new clause 33 includes within it the same idea that the Government should be under an obligation effectively to tell us who they are counting as being in the civil service. New clause 33 would also goes further than amendment 10 by requiring important information about costs, and I fully support what was said about that. Therefore, if an opportunity arises to support new clause 33 in the Lobbies, I will urge my hon. Friends to do so, but I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Schedule 1

THE CIVIL SERVICE COMMISSION

8.15 pm

Dr. Tony Wright: I beg to move amendment 55, page 33, line 22, leave out ', in exceptional cases,'.

Following the tortuous nature of the previous discussion, I offer brevity and simplicity. I also rise to press the merits of an amendment that I assume the Government will have no difficulty in accepting. I simply want to remove the single phrase "in exceptional cases" from the reporting requirements being laid upon the Civil Service Commission, as I can see no reason why it should be included.

In the previous exchanges my right hon. Friend the Minister prayed in aid the commission and said it had raised no issues about the matter under discussion. It is fair to say, however, that it has expressed concerns about its ability to undertake investigations of code-related matters and of civil service-related matters when it thinks it is appropriate to do so and to report on those to the House.

When giving evidence to the Public Administration Committee back in July, the First Civil Service Commissioner said:

"I think we agreed in the end that we might well be involved in an investigation if we saw a matter so serious or in fact so systematic, and I repeat that because, if what we were hearing from any source was that there was a systematic concern, then clearly that would be exactly the kind of issue that might cause the Commissioners to launch an investigation of their own to see just what was going on."

The First Civil Service Commissioner also wrote to me very recently, on 19 October, and stated:

"Despite some concerns about the potential for politicisation and resource constraints, the commissioners recognised that there may be occasions where it would be right for the commission to carry out such an investigation if there were clear evidence of a significant breach of the code. We would therefore support an approach which gave the commission in addition to the duty to consider a complaint from the civil servant—clause 9—the discretion to investigate matters at its own initiation. We would envisage that the commission would want to exercise this discretion only in cases where the burden of suspicion was substantial."

Therefore, we have the commissioners firmly saying that they do think it would be appropriate for them to have the ability to undertake investigations of civil service issues on their own initiative, and by extension to report on such matters under their reporting obligations. We have a similar arrangement with the parliamentary ombudsman, who is a servant of this House. We ask the ombudsman to produce reports on cases and to produce an annual report, but we explicitly give that office the ability to make special reports to the House where there are particular issues it wants to bring to the House's attention. It is entirely sensible and straightforward that we would give a similar provision to the commissioners. They want a provision of this kind and it seems sensible for them to have one, and I am sure the Government cannot think of any reason why they cannot have it. I am simply asking for these restrictive words to be removed from the Bill.

Mrs. Eleanor Laing (Epping Forest) (Con): I rise very briefly simply to support what the hon. Gentleman has just said. I agree with him.

The Temporary Chairman: That is the briefest speech I have heard.

Mike Penning: I also rise to support the amendment tabled by the hon. Gentleman. When the Minister rises to say whether she supports this provision, can she say exactly what the "exceptional circumstances" are? "Exceptional circumstances" could mean something completely different to me, to the Minister, the courts, to the civil service or to the commission. What does "exceptional circumstances" mean? If the Minister can define that exactly in law, the judges will not necessarily have such a field day when this provision comes before them, which I am sure it will.

David Howarth: I was going to raise exactly the same point, and would simply add this. Who decides whether a case is "exceptional"? If the commissioners decide what is exceptional, the amendment of the hon. Member for Cannock Chase (Dr. Wright) does not achieve very much, because it is purely within the commission's discretion to decide. If Ministers are to decide, that would obviously be completely objectionable. Ministers should not be able to make such a decision; that would undermine the commission's independence. If the courts are to decide, that just adds to the complication of the situation without any obvious benefit.

The Minister's choices in replying to the debate appear to be these. She should either say that the commission itself gets to decide what the "exceptional circumstances" are—in which case, why is the phrase in the Bill at all?—or she should just give way to the amendment proposed by the hon. Gentleman.

Mr. David Heath (Somerton and Frome) (LD): I am grateful to my hon. Friend for giving way; I just want us to proceed with this debate in good order. Several Members, including my hon. Friend, have used the

phrase "exceptional circumstances". Actually, the term in the Bill is "exceptional cases", which is slightly different. It is easier to define "exceptional circumstances" than it is the "exceptional cases" that must be brought to one's attention by the report. In fact, it is even more difficult for the Minister to defend that inclusion within the schedule.

David Howarth: I thank my hon. Friend, who is absolutely right: the phrase is "exceptional cases", which raises a further question about what kind of case is involved. Does this mean a case brought before the commission on a particular complaint? What other kind of case is it? *[Interruption.]*

Mike Penning: The Justice Minister is indicating from a sedentary position that Members of this House should not stand up and scrutinise the Bill, which gives us an indication of the way this Government are going.

The Minister of State, Ministry of Justice (Mr. Michael Wills): Will the hon. Gentleman give way?

Mike Penning: No, I am not going to give way. I absolutely agree with what the hon. Member for Cambridge (David Howarth) has just said. The phrase "exceptional cases"—I am sorry, Sir Nicholas, if I slightly misled the Committee when I used the phrase "exceptional circumstances"—makes it even more difficult for the commission to define what it should look at and what it should not. Surely the logical thing to do is to remove this phrase and let the commission decide, which is what it is there for.

David Howarth: Yes, that is a very good point.

I apologise, Sir Nicholas—I was attempting to make a speech even shorter than that of the hon. Member for Epping Forest (Mrs. Laing). I failed to do so, but I support the amendment.

Angela E. Smith: I think I can help hon. Members on this point—again. Let us see whether they will accept these assurances.

Schedule 1 contains provisions relating to membership of the new Civil Service Commission; the appointment of the First Civil Service Commissioner and the commissioners, and their tenure of office; the status and powers of the commission; the regulation of its proceedings; the appointment of staff; arrangements for assistance; delegation and committees; financial provisions; accounts; publication of the commission's annual report; and transitional arrangements relating to the old Civil Service Commission.

The schedule states that the commission must produce an annual report

"as soon as practicable after the end of each financial year",

and may, in exceptional circumstances—

Mr. Heath: Cases.

Angela E. Smith: Cases; my apologies. It may,

"in exceptional cases, prepare a report at any other time about any matter relating to the carrying out of its functions."

Amendment 55, proposed by my hon. Friend the Member for Cannock Chase (Dr. Wright), would delete the phrase "in exceptional cases". Although I think the amendment is unnecessary, we agree about what this provision should mean for the commission. The legislation gives the commission powers to prepare and lay before Parliament a report, in addition to an annual report, about any matter relating to the carrying out of its functions. This reflects the system practice.

Members have asked why the word "exceptional" has been used. The commission has produced an annual report each year since 1855. It covers activities undertaken during the year in upholding the principle that selection for appointment to the civil service must be on merit and on the basis of fair and open competition. The report also covers its other work, such as its role in promoting the core values of the civil service as set out in the civil service code, and a summary of finances during that year.

Since 1855, the commission has never produced an additional report, so by definition, it would be "exceptional" if it were to do so. However, the provision is there in the legislation should it wish to do so. So "exceptional" is a statement of fact, in that to produce an additional report would be exceptional. However, it should be within the power of the commissioners to take that decision if they feel they want to produce another report.

I therefore urge my hon. Friend to withdraw his amendment. The points that he made are covered, in that, if the commissioners want to produce a further report, they are entirely able to do so under the legislation.

Dr. Tony Wright: It is really very difficult to keep a straight face, Sir Nicholas. What is really disappointing is that when the process of this Bill began, all the Front Benchers were saying, "Of course we will be open to amendments. This Bill is not fixed in stone, and we will bring it forward in a spirit of taking sensible amendments." Indeed, when the Cabinet Secretary was in front of our Committee just last week, the same was said when we raised a similar issue with him, so I am afraid there is a mismatch here with the spirit in which we all engaged upon this Bill. There is a genuine desire across the House to get the Bill done. It is rooted in a political consensus, so it is very difficult to understand why the Government want to insist on something that, as the Minister has just described it, is completely unnecessary.

Given that we simply want the commission to be able to make a report if, in certain circumstances, it wants to do so, why on earth would we want to stop it? The commission itself would do that only if it thought the occasion warranted it. We have reached a level of absurdity, and I say to my right hon. Friend the Minister in a spirit of comradeship that resistance is not necessary at this point.

Angela E. Smith: I shall be brief. My hon. Friend talks of our resisting his amendment, but all I am saying to him is that the points that he has raised are covered in the legislation. There is nothing in the legislation to stop the commissioners, at any time, producing another report if they wish to do so. What he suggests is already covered, so the amendment is unnecessary.

8.30 pm

Dr. Wright: In the spirit of not only co-operation and not being difficult, but total mystery, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the schedule be the First schedule to the Bill.

David Howarth: I wish to raise two points and ask two questions about the schedule. Both points relate to the independence of the commission and both were raised by either the Joint Committee or the Public Administration Committee in their deliberations on the Bill. The first point is about the power of the Government—in this case, presumably the Minister for the Civil Service—over the commission's budget. Can this Minister explain what the procedure will be for setting the commission's budget? Will the Government of the day—the Minister for the Civil Service, in particular—have the power to set conditions on the way in which that budget is spent or to limit the content of the commission's activities using a budgetary mechanism? If that is the case—some concern was expressed on this point by the two Committees—that will, of itself, undermine the commission's independence.

The second point relates to the appointment of the first commissioner, which is obviously an important matter. I understand that the Bill says that the first commissioner is appointed by the Government, after consultation with various other people. A proposal was made—I believe by the Public Administration Committee—that as that was not enough to ensure the independence of the first commissioner, the appointment should be subject to the agreement of someone outside government; one suggestion was that the agreement of the Leader of the Opposition should be required in order to ensure the complete independence of the first commissioner. I have not heard from the Government as to why they rejected that particular proposal, and I wish to ensure that the Civil Service Commission should be as independent as possible.

Angela E. Smith: Schedule 1 contains provisions relating to the membership of the new Civil Service Commission—the hon. Gentleman mentioned that—and the other issues relating to the appointments that I referred to a moment ago. He asked about the commission's financial independence. Provisions provide for the commission to publish and lay before Parliament an annual report, as has been discussed. As now, that can include a summary of information on the funding of the commission. That is an obvious vehicle for the commission to bring forward any concerns that it might have about the adequacy of its funding or any comments that it wishes to make on the funding. Indeed, an exceptional or special report could be prepared to address those particular concerns.

David Howarth: I thank the Minister for that assurance, although I am not sure that it is enough to ensure the independence of the commission, especially if it will get into trouble for complaining about conditions governing its own budget or, at the very least, be worried about whether making a complaint would make the problem of its budget worse the following year.

Angela E. Smith: It is embarrassing to see so much cynicism in just one hon. Member. The report is to be made to Parliament and it will be for Parliament to make a judgment on whether it thought the funding was adequate. I do not think that Parliament would wish to take action against the commission in any way at all; I think that Parliament would expect the commission to make a response on the adequacy of its funding. Obviously, the Government are bringing this forward, making sure that there is full independence for the commission and putting it into statute, so they want the commission to be an independent body and to function well. I can, thus, allay the hon. Gentleman's fears on that account.

The provisions in the Bill do not, in any way, affect the commissioner's access to the Public Administration Committee. That is an important and influential safeguard for the commissioner's role in regulating the Executive. As the hon. Gentleman mentioned, the Joint Committee recommended two amendments to the draft Bill's schedule in respect of commissioners. The first was for a requirement that the commissioners should be appointed on merit, on the basis of fair and open competition. The second was that compensation for loss of office should be extended to all commissioners, rather than just the first commissioner. The Government accepted both those recommendations, and the published schedule to the Bill incorporates those amendments. In addition, the Minister for the Civil Service must consult the First Ministers of Scotland and Wales and the relevant Opposition leaders.

Question put and agreed to.

Schedule 1 accordingly agreed to.

Clause 3

Management of the civil service

Pete Wishart (Perth and North Perthshire) (SNP): I beg to move amendment 48, in page 3, line 7, at end add—

'(6) The Minister for the Civil Service shall delegate the appointment and approval of senior civil servants to senior posts in the Scottish Executive to the Head of the Home Civil Service, acting on advice of the Civil Service Commission.'.

This is a simple and modest amendment that seeks to transfer the appointment of senior civil servants from London to Edinburgh. May I start by giving a bit of the context before I get into the meat of the amendment? This is not the preferred position of the Scottish National party. We would, quite obviously, prefer to see a properly devolved civil service accountable to Scottish Ministers and the Scottish Parliament, much like those that we observe in normal legislatures around the world—in normal, self-respecting Parliaments. That is what we seek in terms of a civil service for Scotland, but it is not what we intend to seek when it comes to the appointments of senior civil servants. We would prefer that decision to be made by the First Minister of Scotland, and we would see him as responsible for making those key appointments. That is what happens in any self-respecting normal Parliament or legislature throughout the world. That is what we would preferably seek in order to try to ensure that we had the proper deal and arrangements for Scotland.

Through amendment 48, I am putting forward the agreed position of the Labour party, the Conservative party and the Liberal party, as agreed with the Calman commission. I am prepared to set aside our preferred option—what we would ideally like to see—so that progress can be made. This is important. Progress can be made, and sometimes it is important for us to set aside our preferred and ideal options so that we can move forward to consensus. Sir Nicholas, you know me well enough to know that I always try to be as helpful as possible in such cases. This evening I am trying to be helpful, constructive and positive so that we can make progress on this serious key issue.

I do not want the Front Benchers from all the political parties to get up and thank me for tabling this amendment. That is not necessary; I am not looking for it, and I would feel a little embarrassed if they did so, so perhaps they can restrain themselves and remain seated while I make the rest of my speech. However, I expect to secure from the Front Benchers of all the Calman parties their overwhelming and enthusiastic support. I expect to see them and their right hon. and hon. Friends going through the Lobby, overwhelmingly backing their position. I expect that, because it is their agreed position, as agreed with the Calman commission. There can be no excuse whatsoever for a failure to support my amendment this evening. I am looking forward not just to support but to enthusiastic support.

The only thing that surprises me is that it has been left to me, a humble Scottish National party Member, to table an amendment on the agreed position of the Labour party, the Conservative party and the Liberal party. I thought that when we had an opportunity to make progress on some of the very important Calman recommendations, there would almost have been a race. I thought that the Labour and Conservative Whips Offices would have tried to outdo each other in a stampede to be the first to the Public Bill Office to table this amendment. But we have not heard a peep from them, and it is left to a humble Back Bencher from the Scottish National party to get to his feet and try to ensure that we get some progress on this matter—to try to advance the agreed position of the Labour, Conservative and Liberal parties. I find it a bit odd that it is left to me to do this task, but I look forward to their support.

The Minister will know that there will be precious few opportunities to introduce some of the Calman recommendations in the next few months. Parliamentary time is tight and we have here an ideal opportunity to ensure that one of the key proposals of the Calman commission is introduced. For the life of me, I cannot understand why there could possibly be any reluctance to support this modest but important amendment, which is in line with Labour, Conservative and Liberal party policy.

I tried to frame the amendment as closely as possible to what was suggested in recommendation 4.21 of the Calman report. My amendment reads:

"The Minister for the Civil Service shall delegate the appointment and approval of senior civil servants to senior posts in the Scottish Executive to the Head of the Home Civil Service, acting on advice of the Civil Service Commission".

The Calman commission's recommendation 4.21 states:

"The responsibility for appointing, or approving appointments of, senior civil servants to senior posts in the Scottish Government should be delegated by the Prime Minister to the Head of the Home Civil Service, acting on the advice of the UK Civil Service Commissioners."

They are almost identical.

I do not want the Minister to say that I am trying to twist or misinterpret what was suggested about her position in relation to the Calman commission. That is not my intention: I have been as helpful as I can be by framing the amendment so that it is as close as possible to the commission's original wording. The only difference that I can see is that this Government cannot get their head around the fact that Scotland has a Government, rather than an Executive.

Mrs. Laing: I am puzzled as to why the hon. Gentleman is supporting the Calman commission this evening, instead of putting forward the position of the Scottish National party.

Pete Wishart: I know that the hon. Lady listens to every word that I say, and I am saying that I am prepared to set our ideal position aside so that we can make progress. The amendment would be at least a start to transferring some decisions on the civil service from London to Edinburgh. I am hoping to enlist her support in getting it through, although the crucial difference between the Calman process and the Scottish Government's national conversation is that we trust the people of Scotland to make the choice. We are prepared to take our proposal to the Scottish people, but the hon. Lady rejects that. When the Conservatives come to contest the next election, they might find that there is a heavy price to pay in Scotland for their failure to allow the people there to have a choice.

The amendment represents the agreed position of the Labour, Conservative and Liberal parties, all of which have the opportunity to support it this evening. What happens if they do not? That is a key question. Is Sir Kenneth wasting his time? Is he sitting in Glasgow university wondering what will happen to the rest of his recommendations? This evening, with this key piece of legislation, there is an opportunity for the House to enact one of his recommendations, but he will be observing our debate and wondering, "What on earth is going to happen to the rest of them?" What will parliamentarians in the Scottish Parliament who are keen to see progress made and more powers devolved make of their colleagues in Westminster rejecting this proposal?

Stewart Hosie (Dundee, East) (SNP): No Labour Members are even here. Where are they? Our party has a better turn-out.

Pete Wishart: My hon. Friend asks where the Labour Members are. Looking at the deserted Labour Back Benches, I am wondering the same thing. No Scottish Labour Member is present, with the honourable exception of the Parliamentary Private Secretary sitting behind the Minister.

Where is the Scottish Secretary? I though that this was his big idea. The Calman commission was supposed the vehicle for looking at devolution 10 years on. Here is a chance for the right hon. Gentleman to get one of his key proposals through, but he is not even here.

That is appalling, Sir Nicholas. I am sure that when you look at all the empty Benches, you are wondering what on earth Scottish Labour Members are doing. I am also sure that the people of Glasgow, North-East are looking at what is going on this evening. They will see that whereas my hon. Friends sitting next to me and I are ready to debate and consider an important recommendation for Scotland, not one Scottish Labour Member is present on the Government Back Benches. The people in Glasgow, North-East will be looking very carefully at who represents the Scottish interest best in this House.

What happens if the amendment is rejected? I believe that it will mean that the work of Calman commission is not worth the paper that it is written on. That will be very closely observed—but in the spirit of my helpful contribution, I will make the Minister a deal. I am sure

[Pete Wishart]

that she will stand up and say that the amendment is not suitable for this Bill, and so on. However, if she can give me a cast-iron commitment and guarantee that a specific piece of legislation will be introduced in the next few months to get this proposal through, I will not have to go through with the appalling prospect of embarrassing Labour Members by asking them to vote against their own measure. That is my contract with her this evening.

I do not want to be so cruel—*[Interruption.]* My colleagues are egging me on, but I believe that I owe it to Labour Members to give them an opportunity to try to put this matter right. The Minister can do that on their behalf but, if she does not say what I want to hear, I will press the amendment to a vote.

Mrs. Laing: I thank the hon. Gentleman for giving way again, as I have a genuine question. He is right to point out that no Government Back Benchers are present to ask questions on behalf of those who are puzzled by the amendment, so in their absence I shall try to do so.

I understand what the hon. Gentleman is saying about the Calman commission. I understand the conclusions of Sir Kenneth Calman and his colleagues, and I have some sympathy with them. However, it is difficult to see how the amendment will transfer the power to which the hon. Gentleman refers from London to Edinburgh. I understand that he is saying that the amendment is only a step in the right direction. It would take power away from institutions in London, but it does not say specifically that power will rest in Edinburgh.

8.45 pm

Pete Wishart: The hon. Lady has obviously never looked at the amendment. It seeks to achieve the transfer of the appointment of senior civil servants from London to the home civil service in Edinburgh. It is the start of a process. That is the hon. Lady's position, too. It is what her party agreed in the Calman commission. It is her party's position, as well as the position of the Labour party and of the Liberals.

I have heard from a sedentary position the assurance that the Liberals will support the amendment, and I thank them for that. It is now a matter for the Minister. She can either assure me without equivocation that she intends to introduce a separate piece of legislation to achieve the aim of the amendment, or we will have to go through the ridiculous, almost grotesque spectacle of Labour Members voting against their own policy. It is up to the Minister.

David Howarth: I am not sure whether I can speak on behalf of the old Liberal party, of which I used to be a member, but I can certainly speak on behalf of the Liberal Democrats. I would urge Liberal Democrat Members to support the amendment if it is pressed to a vote.

As the hon. Gentleman said, the amendment does not represent the separation of the civil services which some in his party seek. It is simply a measure of further devolution politically—not by further devolving the power itself, but by removing a power from the UK Prime Minister. It seems a perfectly sensible suggestion to transfer power over senior appointments in Scotland from a politician—the UK Prime Minister—to the head of the home civil service for the United Kingdom, the Cabinet Secretary.

Some people might think that that is a purely symbolic gesture, but it would provide some protection for the process of appointment to the civil service in Scotland, which does not exist now. Given the history of prime ministerial interference in senior civil service appointments that we suspect has been going on at United Kingdom level—at least under a previous Prime Minister—that seems an entirely sensible thing to do. It raises the question why the Bill retains the power of the Prime Minister, as Minister for the Civil Service, to interfere with senior appointments at United Kingdom level—an issue that seems to have disappeared from the Bill, in comparison with previous drafts. Perhaps that is the reason why the Government are nervous about the amendment.

I come back to the point about devolution. It seems perfectly reasonable to have a different system even on that question in Scotland, compared with the rest of the United Kingdom. I do not think that threatens the unity of the civil service, and it provides a sensible way forward. Speaking as an outsider, I think that the Calman commission provides a sensible way forward for further devolution to Scotland, so I approve of the amendment and would vote for it if the Committee were to divide on it.

Mr. Tom Watson (West Bromwich, East) (Lab): I have the highest regard for the hon. Member for Perth and North Perthshire (Pete Wishart). His humility goes before him. I admire his talents—his musical talents more than his political talents. As he knows, I represent a midlands seat in England, but when I look from afar at the amendment, I begin to think that he is selling out. He might be selling Scotland down the river with the amendment. The trappings of office are getting to the Scottish National party. The amendment is a pathetic piece of symbolism. If he really stood up for Scotland—

Angus Robertson (Moray) (SNP): It's your party policy.

Mr. Watson: Hey, I am on the Back Benches. It might be my party policy but I can say what I want now. The hon. Member for Perth and North Perthshire is selling Scotland down the river with that amendment. It is a pathetic piece of symbolism to score points in a by-election. He has spoken eloquently, but the amendment would not fundamentally change the relationship between London and Edinburgh, and he knows it. I want to stand up for the people of Scotland and the voters in Glasgow, North-East, so I shall oppose the amendment if he presses it to a vote.

Angela E. Smith: First, I welcome the conversion of the hon. Member for Perth and North Perthshire (Pete Wishart) to the Calman commission. That will receive widespread support from Labour Members—even though there was no great support for the commission from the Scottish National party, which would not even take part in it. I listened to the hon. Gentleman carefully when he said that he was being helpful, and I wish that I could believe him.

The provision in the hon. Gentleman's amendment was one of the recommendations in the Calman commission's report on Scottish devolution, and the Government said publicly that we were carefully considering our response to the report in the round, and that we would produce our response by the end of the year. The proposals from the Calman commission, which the SNP did not take part in, were wide-ranging and significant, and there is widespread agreement, including from Kenneth Calman himself. The proposals are being treated with due attention, and considerations are not just cherry-picked one after another. They have to be looked at in the round, and all issues must be considered.

It was argued that there is almost no autonomy for Scottish Ministers, but it must be said that they, quite rightly, have a large degree of autonomy in their day-to-day management of the devolved Administration in Scotland. However, the hon. Gentleman also stated that he would withdraw his amendment if I guaranteed that legislation would be introduced in the next few weeks. If any Calman commission recommendations were taken forward, they would be achievable under the provisions of the Bill as it stands, and no legislative change would be necessary. It is important that the Government consider the Calman report in the round, rather than looking at one or two items and cherry-picking them.

Mrs. Laing: I have a genuine question about practicality. If the amendment were agreed to, would it pass power from London to Edinburgh, or would it pass power only from one London office to another London office? That is a genuine question.

Angela E. Smith: I shall wait for inspiration—but there does not seem to be any great transfer of power in the amendment at all. The right way to address the concerns is to have a proper response to the Calman commission in the round. If the amendment is pushed to a vote and Members vote against it, they will not be voting against Calman; they will be voting for a proper considered response to the whole report.

David Howarth: I should remind the Minister that we are in Committee, so we are allowed speak again in the same debate. She did not explain precisely how the ends that the hon. Member for Perth and North Perthshire (Pete Wishart) desires in moving the amendment can be achieved through the Bill as it stands. I would be very grateful if she were to put on the record exactly how they could be, because I can see no such power. However, she seems to be claiming that it exists.

Angela E. Smith: There are two points. First, the hon. Member for Epping Forest (Mrs. Laing) is quite right: there would be no transfer of power to Scotland; the power would remain with the Prime Minister. Secondly, I can assure the hon. Member for Cambridge (David Howarth) that the legislative power exists; no legislative change would be necessary for the provisions of the amendment to be introduced.

Pete Wishart: I have very much enjoyed this particularly illuminating debate. So that we understand the discussion, I should say that the amendment would take the power to appoint senior civil servants in Scotland out of the hands of the Prime Minister and put it into those of the head of the home civil service. It is a very modest measure. It is not pathetic, as the hon. Member for West Bromwich, East (Mr. Watson) says, because it would be unfair to describe the Labour party's position as pathetic, and I am not prepared to do that.

Mr. Watson: The hon. Gentleman is turning into a real London luvvie, defending this amendment, which would hand no power to Scotland. He should be ashamed of himself, and apologise to his constituents and to his party.

Pete Wishart: I thank the hon. Gentleman for that useful intervention. The prospect of my becoming a London luvvie is probably several degrees removed from reality.

The amendment is a modest measure, and I tabled it to try to be helpful. It is about being constructive and making gentle progress towards securing what we believe is a greater ambition for Scotland. I thought that by discussing the agreed position of the Labour party, the Conservative party and the Liberal party, we could start to move the traffic in the right direction.

The Minister went on about some nonsense to do with our commitment to Calman. May I say to her—she is not listening, but I will say it anyway—that where there is agreement on Calman, for goodness' sake let us act on it? There are several parts of Calman that we have absolutely no problem whatsoever about implementing, such as its recommendations on the devolution of firearms legislation and on drink-driving. If the Unionist parties—the London-based parties—think that it is a good idea and we think that it is a good idea, let us do it; there should be no problem with that. But for some reason, Calman has been presented as an all-or-nothing package, so we cannot do the good things and leave aside some of the nuttier suggestions that he mucked about with at the edges. Where it is useful, where it is constructive, and where it takes things forward, let us get on and deal with it.

The Minister's response has not been satisfactory, and that is disappointing and unfortunate. We are now going to see the ridiculous spectacle of Labour Members walking through the Lobby voting against their own position and their own proposals. I am very much looking forward to witnessing that.

Mrs. Laing: I have a lot of sympathy for what the hon. Member for Perth and North Perthshire (Pete Wishart) said, as I often do when we take part in the same debates. He has highlighted an important issue. However, as the Minister says, the whole Calman report has to be looked at as one entity, and it would be wrong to press a small part of its recommendations in the Bill. Having said that, I, like the hon. Gentleman, look forward to the Government's responding to Calman soon, so that we can get on with these matters, because we believe in power resting in Edinburgh where it should do so.

Question put, That the amendment be made.

The Committee divided: Ayes 55, Noes 286.

Division No. 236] **[8.57 pm**

AYES

Barrett, John	Bottomley, Peter
Beith, rh Sir Alan	Breed, Mr. Colin

Brooke, Annette
Browne, Mr. Jeremy
Burt, Lorely
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Davies, Mr. Dai
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Durkan, Mark
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
George, Andrew
Harvey, Nick
Heath, Mr. David
Hemming, John
Hermon, Lady
Hogg, rh Mr. Douglas
Horwood, Martin
Hosie, Stewart
Howarth, David
Hunter, Mark
Keetch, Mr. Paul
Kramer, Susan
Laws, Mr. David
Leech, Mr. John
Llwyd, Mr. Elfyn
McCrea, Dr. William
McDonnell, Dr. Alasdair
McGrady, Mr. Eddie
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Pelling, Mr. Andrew
Pugh, Dr. John
Rennie, Willie
Robertson, Angus
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Smith, Sir Robert
Swinson, Jo
Webb, Steve
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wishart, Pete
Younger-Ross, Richard

Tellers for the Ayes:
Hywel Williams and Mr. Angus MacNeil

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Perkin, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Ryan, rh Joan

Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Wilson, Sammy
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Steve McCabe and Kerry McCarthy

Question accordingly negatived.

Question proposed, That clause 3 stand part of the Bill.

Mr. Heath: I want to ask the Minister a simple question that relates to an obvious omission from this part of the Bill. In the 2004 draft Civil Service Bill, there was an explicit statement in clause 4(4) that

"Nothing in this section confers…power to recruit, appoint, discipline or dismiss civil servants, or…any other power for the day to day management of civil servants."

Ministers have the power to hire and fire civil servants, but that provision made it explicit that they should not do so. This Bill does not repeat that explicit assurance, but it should.

The Public Administration Committee made that point in its response to the draft Constitutional Renewal Bill, when it said:

"Giving Ministers the general power to appoint and dismiss civil servants does not seem in keeping with the Government's commitment to a civil service recruited on merit and able to serve administrations of different political persuasions."

I agree with that. The Joint Committee on the draft Bill said:

"While Ministers can legitimately be consulted about particular moves within the civil service, Ministers should not be involved in appointment or dismissal of individual civil servants without the express approval of the Prime Minister. We invite the Lord Chancellor to follow up on his offer to look again at the drafting…to reflect this."

I do not agree with the Joint Committee, because I do not think that the Prime Minister should be able to give explicit approval either. I want clear protection for civil servants from this extraordinary power that Ministers have.

The Minister may reply to my points by saying that the clauses on recruitment mean that Ministers cannot intervene except within the very narrow tramlines of the recruitment process that is set out, but I do not think that that is sufficient and I would like an explicit exclusion.

If Members want a rationale for such an exclusion, we have been provided with one in the past few days, with the sacking of an independent scientific adviser. Although he was not a civil servant, the incident raises exactly the sort of issues that are relevant to this debate. Indeed, my colleagues tabled new clause 42, which addressed the point. It had the great advantage of topicality, but the great disadvantage of not being timely. Because the circumstances arose over the weekend, it could be tabled only yesterday and therefore could not be selected for today's debate. I shall not speak in detail about it, therefore, but it would have given protection to independent scientific advisers to do their job as independent scientists.

However, I shall press the question with the Minister about why Ministers will not be expressly forbidden to hire and fire civil servants. That should be a basic principle that is enshrined in the Bill. Otherwise, there is the possibility of abuse and people being removed for political purposes. If we are to give proper protection to civil servants, we can do it only through a provision of the kind proposed.

9.15 pm

The Minister has been asked repeatedly, even during the debates on the first three clauses, to explain what has changed between the time of the draft Civil Service Bill in 2004 and the Bill before us today. I must say that the explanations given by her advisers have not always been convincing. I hope that, on this occasion, we will at least get some sort of explanation of why a provision that was felt necessary in 2004 is not felt necessary in 2009. In the absence of such an explanation, it is hard to give any credibility to the clause.

Mrs. Laing: The hon. Member for Somerton and Frome (Mr. Heath) has got his priorities a bit mixed up. It is touching that he wishes to protect civil servants, but I believe that it is the duty of the House to require the accountability of civil servants. That accountability is derived through ministerial accountability to Parliament. There has to be a chain of accountability, therefore, from civil servant to Minister to Parliament. That is what the Conservative party, in other circumstances, has proposed. In so far as the clause brings that about, to a certain extent, we support it. I am disappointed to see the hon. Gentleman get his priorities so mixed up. I hope that the Minister has not got her priorities mixed up.

David Howarth: Is the hon. Lady saying that any Government of whom she might be a member would think it appropriate for Ministers to hire and fire individual civil servants?

Mrs. Laing: Of course not; that is already protected. The Liberal Democrats should not be quite so touchy; my criticism of them does not mean that I am saying that everything that they have said is wrong. They ought to calm down. I am merely saying that the real issue is accountability. It is a pity that clause 3 does not go further in respect of the accountability of civil servants and Ministers to the House, which is then accountable to the people. That should be the principle on which we work.

Angela E. Smith: I listened with interest to the hon. Member for Somerton and Frome (Mr. Heath) talking about why his new clause was not selected. I put it to him, however, that it might have had the advantage of topicality, but it had the disadvantage of not being relevant to the civil service—it was not about civil servants.

The Government made it clear in their response to the Joint Committee that the provisions in the Bill do not alter the current power to manage individual civil servants. That will, as now, continue to be delegated to the head of the civil service and to permanent heads of Departments.

David Howarth: Will the Minister give way?

Angela E. Smith: I will do so only if the hon. Gentleman promises to make a sensible point.

David Howarth: I am not sure whether the Minister's point was sensible. She said that independent scientific advisers are not civil servants. How does she know?

Angela E. Smith: Because they do not have a civil servant contract. They have not signed the terms and conditions of a civil servant. They have not signed up to the ministerial code. The case to which the hon. Member for Somerton and Frome referred did not involve a civil servant.

I understand the hon. Gentlemen's concerns, but the provisions in the Bill do not signal a change in ministerial involvement in individual appointments. The power to appoint is constrained by subsequent clauses that require recruitment to the civil service to be based on merit, following fair and open competition. That is regulated by independent civil service commissioners in accordance with recruitment principles. Civil servants are protected by statutory legal protection and employment laws. It is right that the power to manage remains with the Minister for the Civil Service and the Secretary of State, who are, as the hon. Member for Epping Forest (Mrs. Laing) made clear, ultimately accountable to Parliament for the management of the civil and diplomatic services respectively, including for the setting of terms and conditions overall.

The civil service code makes it clear that the civil service

"supports the Government of the day in developing and implementing its policies, and in delivering public services."

The code also makes the very point that I have just made, which is that civil servants

"are accountable to Ministers, who in turn are accountable to Parliament."

There appears to be some misunderstanding on the Liberal Democrat Benches about the approach of the Bill. The Bill has taken a principles-based approach. None of the principles has changed since 2004, and it has not been felt necessary to list specific activities or specific civil servants, as the hon. Member for Somerton and Frome would seek to do. With that explanation, I hope that the clause will stand part of the Bill.

Mr. Heath: I have now heard two speakers, from the Conservative Front Bench and from the Government Front Bench, who are muddled in their thinking and completely misunderstand the basic process that the Bill is intended to elucidate. The hon. Member for Epping Forest (Mrs. Laing) went off on a mini-tirade about how we were completely wrong to question whether Ministers should hire and fire civil servants. When my hon. Friend the Member for Cambridge (David Howarth) put it to her that she might support the hiring and firing of civil servants by Ministers, she said that of course she did not and that that was outrageous. We really do expect some coherence of thought and some logic in the contributions made in this Committee, especially from the Front Bench of a party that aspires to government.

Mrs. Laing: The hon. Gentleman has completely misrepresented what I said. He is so touchy that the slightest criticism appears to send him into a temper. I do not want to take any more of the Committee's time on this matter, but he must not misrepresent what I said.

Mr. Heath: I am indeed in a temper: a good temper, as I always am. When the *Official Report* is studied, it will be clear what the hon. Lady said and how little it resembles what she apparently means.

When it comes to the Minister, however, I shall ask the question again—obviously I am not going to get a response, so this is the last time that I will ask it. Why was something right just in 2004? It was not right because I tabled it as an amendment or because the Joint Committee said that it wanted it, but something that the Government put down as a crucial element, using the following words, which I have already quoted:

"Nothing in this section confers...power to recruit, appoint, discipline or dismiss civil servants".

One would have thought that that was a key protection, but now the Minister says, "It's completely unnecessary: it's understood; it's tacit. We no longer need to say that." What has changed?

Why was that necessary then, probably on the advice of some of the same civil servants who now advise her that it is not necessary? I do not think it unreasonable for the Committee to be given an explanation about that. Simply to assert that something that the Government said was necessary is now not necessary is an insufficient argument. It is very regrettable that we are proceeding with the Bill on the basis of assertion and counter-assertion, rather than explanation and consideration of the underlying principles.

Angela E. Smith: It is with some regret that I rise again to speak on this issue, but the hon. Gentleman misunderstands the whole basis of the Bill. He asks what has changed since 2004. In principle, nothing has changed. The points that he made are there: a principles-based approach is being taken. He says that there is nothing—

David Howarth: Will the Minister give way?

Angela E. Smith: If I may finish the point, it might help the hon. Gentleman to listen before jumping in.

The Joint Committee heard the same arguments. The provisions do not alter the current position that the power to manage individual civil servants can, as now, be delegated to the head of the civil service. That was good enough for the Joint Committee, which debated and engaged with Ministers on the issue, and which is content with the response. It is only the hon. Member for Somerton and Frome (Mr. Heath) who fails to understand the difference.

David Howarth: The Minister seems to be saying that this is now a principles-based Bill, as opposed to a rules-based Bill, but then the question is: what principle did the previous rule represent? The principle that the previous rule represented, it seems to me, was the principle that Ministers should respect the impartiality of the civil service. However, that principle is not in the Bill, and we have had to design a new clause to try to insert it. If that is not the principle that was involved, what principle was involved?

Angela E. Smith: I sometimes wonder whether the hon. Gentleman is serious about the points that he puts forward. The impartiality of civil servants is in the legislation; it is quite clear—

David Howarth: But not Ministers.

Angela E. Smith: Ministers' respecting that impartiality is implicit in the Bill. If Ministers are putting forward a Bill to the House and that Bill includes the impartiality of civil servants—

Mr. Maude *rose—*

Angela E. Smith: I give way in exasperation to the right hon. Gentleman.

Mr. Maude: I am grateful to the Minister for confirming that the Bill intends to make no change to the current arrangements, which have persisted reasonably successfully for a long time without serious challenge. Will she also confirm that the protection for civil servants against ministerial political interference in recruitment, dismissal or promotion lies with the Civil Service Commission, as it has done for many years before this Bill eventually came along, and that that protection will be given greater entrenchment by the Bill?

Angela E. Smith: It does indeed; that is one aspect of it. It is also entrenched in the ministerial code, which ensures that Ministers should respect the impartiality of civil servants. I think that that is quite clear, but I suspect that the hon. Gentlemen on the Liberal Democrat Benches might wish to make that point, as they are not fully conversant with the legislation.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5

Civil service code

Question proposed, That the clause stand part of the Bill.

David Howarth: Clause 5 is about the civil service code, to which the Minister has just referred. She also claimed that the ministerial code was entrenched in the Bill. Will she explain which clause mentions it? It is not defined anywhere in the definitions section; I think that she must have misspoken.

Angela E. Smith: No, I did not say that the ministerial code was in the Bill. I said that the ministerial code enshrines the impartiality of civil servants, and that Ministers respected that impartiality.

David Howarth: I must therefore conclude that the ministerial code will not be statutory and will not have the same degree of protection that the civil service code will have, as it is the purpose of this clause to entrench that protection in law. The Minister must recognise that it is a deliberate policy decision by the Government not to give statutory force to the ministerial code because they do not want the courts to interfere with Ministers. That is fine, but I do not think she should pretend that the situation is otherwise.

Angela E. Smith: Any Minister who tried not to adhere to the principles of the ministerial code would find that they had to deal with the normal processes of government, and that they might not be a Minister for much longer.

Mrs. Laing: I would like to ask the Minister why it is deemed necessary to specify, in clause 5(2), that

"the Minister may publish separate codes of conduct covering civil servants who serve the Scottish Executive or the Welsh Assembly Government."

Given that codes of conduct are about matters of principle, why should those principles be different for civil servants who serve the Scottish Executive or the Welsh Assembly? I appreciate that the policies and procedures are different, as indeed they should be in a devolved situation, but why should the codes of conduct be different?

Angela E. Smith: The codes might not necessarily be different, but they may be different if, after consultation with the devolved Governments, different issues needed to be addressed. That is something that the Government would discuss with them. So they might address different circumstances from time to time, but they do not have to.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7

Minimum requirements for civil service and diplomatic service codes

9.30 pm

Mr. Maude: I beg to move amendment 50, page 4, line 29, at end insert

'with a fiduciary responsibility to spend taxpayers' money responsibly.'.

The civil service code and its entrenchment in statute is the central part of the civil service portion of the Bill. It is extremely important; we strongly support it. In a way, clause 7, which sets out some minimum requirements for that code, is the heart of this part of the Bill. We strongly support the values promoted here—integrity, honesty, objectivity and political impartiality. I am conscious that because the provision is so important, there is a danger of wanting constantly to add bells and whistles as if it were a Christmas tree, but we believe that a further minimum requirement should be added.

As the Conservative party outlined in a paper, "It's Your Money", published in February this year, a fiduciary responsibility should be placed on civil servants. The

[Mr. Maude]

term generally means that someone trusted with the assets, wealth or well-being of a third party has a responsibility to manage them in the best interests of that third party. We believe that that is essentially at the heart of much of what the civil service does, and we would like to see it enshrined in the code.

We believe that all employees in the public sector should abide by the principles of fiduciary responsibility, but the proposed code does not cover the full spectrum of people employed by the state. We discussed in the context of clause 1 the lack of a definition about who is covered. Many contract workers, agency temporary workers or employees of non-departmental public bodies are not covered by the civil service code. We propose that a separate code should be established for those employees, stressing the same fiduciary responsibility.

I stress that we do not propose this fiduciary responsibility in any hostile spirit to civil servants; rather, I would say, the reverse. I believe that this provision would provide protection for civil servants, especially if it were backed with the amendments and new clauses grouped together on clause 9, which would place an obligation on Ministers—building on a point made previously—to respect the civil service code. Of course, the ministerial code already does that, although it is not, as the hon. Member for Cambridge (David Howarth) rightly pointed out, entrenched in statute, but nor would the Bill achieve that.

Ministers have a duty to respect the civil service; they should respect not only its code of values, but its role in providing advice. Of course Ministers are not obliged to accept the advice of their civil servants, but they should surely always seek it, listen to it and make judgments after assessing it. When public money is spent badly or inefficiently, it is very often the consequence not of civil servants being lax, careless, inefficient or hopeless, but of them being forced to do things by unwise ministerial decision, often in the face of civil servants' advice.

I cited on Second Reading the example of the introduction of tax credits. It is now well attested that the then Chancellor, now the Prime Minister, was strongly advised by civil servants in both the Revenue and the Treasury that the way he proposed to proceed with tax credits would introduce serious risk of fraud and error, all of which came about. The advice was ignored and the result was a grave misuse of public money, not to mention the enormous human misery caused to hundreds of thousands of low-paid, hard-working people who found themselves required to pay back money that they had received in good faith. Those people thought that they were doing the right thing and obeying the law. The point about incorporating this fiduciary responsibility into the code of conduct is that if in those circumstances a Minister tells civil servants that they must go ahead and implement the policy regardless, against their own advice, there is at least some protection for those civil servants.

Mr. Gordon Prentice: Is that not already covered by the designation of permanent secretaries as accounting officers for the Departments for which they are responsible?

Mr. Maude: There is no harm in making that designation more explicit, and giving it some teeth by entrenching it in statute.

There is, of course, already a provision enabling a permanent secretary who feels that he or she is being required to do something that is not in the interests of the taxpayer to put in writing to the Secretary of State a request that he or she—the permanent secretary—be directed to implement the policy, but to my knowledge that has happened on only eight occasions in the past 12 years. It did not happen when tax credits were introduced. Arguably it should have, because it is understood that robust advice was given to the Chancellor to which he refused to listen. There is a strong case for saying that, given the circumstances, the chairman of the Revenue and the permanent secretary to the Treasury should have put in writing to the Chancellor that they needed to be directed, because their advice was that such action would be very harmful.

In the circumstances in which this country now finds itself, with a ballooning public debt and a budget deficit that seems to be out of control, incredible care with taxpayers' money will be of central importance in the years that lie ahead. It seems to us really important that protection for civil servants against being required to do things that are not in the interests of taxpayers should be entrenched. We think that Ministers should have a statutory obligation to respect the impartiality of civil servants. We have a good deal of sympathy with a Liberal Democrat new clause, which we hope will be reached later. In the meantime, however, this amendment—which reflects the central importance for the whole Executive of respecting and acting in the interests of taxpayers—would provide an extremely valuable additional discipline. As I have said, it would provide protection for civil servants against being bullied into implementing policies that were not in the interests of the taxpayer.

David Howarth: I sympathise very much with the intention behind the amendment. I do not think that it would do any harm to include a responsibility in the code and the Bill to ensure that public money is spent wisely. My only worry relates to the use of the word "fiduciary", which gives the impression that the relationship between civil servant and Government is similar to the relationship that used to exist between local councillors and their authorities in the days of surcharging. The word "fiduciary" always cropped up in surcharging cases.

Given the vast amounts of public money that go through Departments, it would be entirely wrong to open up civil servants to the possibility of having to repay perhaps billions of pounds to the public. I do not think that that was the intention of the right hon. Gentleman, but perhaps he should rethink the wording of the amendment on a future occasion.

Dr. Tony Wright: This Bill has been through so many previous incarnations that it is sometimes difficult to keep up with it. In one of its incarnations, there was a list of various duties that civil servants would be obliged to perform, including the duty

"to discharge public functions reasonably and according to law"

and another duty to do with standards of administration. It seems to me that there are two possible logical positions: to set out the duties of civil servants, or to take the Bill's approach and simply to say what are the core values. There is not a case, however, for taking one duty—in this instance, fiduciary responsibility—and seeking to

insert it into the Bill without addressing all the other ones. There must be all or nothing, and this is just a gesture in the middle.

Angela E. Smith: I have listened carefully to hon. Members' comments, and it might help if I point out the following. Clause 7 sets out the minimum requirements for civil service and diplomatic service codes of conduct. Codes of conduct must require civil servants in the UK, Scotland or Wales to serve the Administration of the day of whatever political complexion, and must contain an obligation on civil servants to carry out their duties in accordance with the core civil service values as set out in the Bill: integrity, honesty, objectivity and impartiality.

Amendment 50 would add the

"fiduciary responsibility to spend taxpayers' money responsibly"

to the minimum requirements of the code as set out in the Bill. The legislation sets out the core civil service values that are essential to maintaining an impartial civil service. The civil service code gives more details on the kinds of behaviour expected from civil servants in clear and accessible language. It sets out the details of the core values under each of their headings. Under "Honesty" it says that civil servants must

"use resources only for the authorised public purposes for which they are provided."

Under "Objectivity" it says they must

"provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts".

Under "Integrity" it says they must

"comply with the law and uphold the administration of justice."

The requirement on the use of public money is set out explicitly in the code under the core value of "Integrity", where it says civil servants must

"make sure public money and other resources are used properly and efficiently".

I think that covers the matter.

I understand why the right hon. Member for Horsham (Mr. Maude) thought this particular duty was so important that it should be added to the Bill, but I think my hon. Friend the hon. Member for Cannock Chase (Dr. Wright) is right—although he does not agree with me entirely—that there must be either a principles-based approach or a more detailed approach. Adding the details of the principles of one aspect of the civil service code to the Bill would undermine the others in the code.

My hon. Friend the Member for Pendle (Mr. Prentice) made a point about accounting officers. The accounting officer has a personal responsibility for the propriety of the spending of all the money for which he or she is responsible. That is set out in various codes.

I understand the point made by the right hon. Member for Horsham, and it is valid, but his proposal is unnecessary because of the way in which the Bill is set out and the information that is contained in the code.

Mr. Maude: I have listened to the comments of the Minister and others. We think that this duty is an important part of the obligations on civil servants and that a statement of that would give additional protection to civil servants, but there are other ways of addressing the issue and we should look into them further. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8

SPECIAL ADVISERS CODE

Kelvin Hopkins (Luton, North) (Lab): I beg to move amendment 79, page 4, line 33, leave out 'special' and insert 'Ministerial'.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): With this it will be convenient to discuss the following: Amendment 80, page 4, line 38, leave out 'special' and insert 'Ministerial'.

Amendment 53, page 4, line 39, at end insert—

'(3A) The special advisers code must contain provision preventing a special adviser from—

(a) authorising the expenditure of any public funds;

(b) exercising any power given by or under an Act of Parliament or an Act of the Scottish Parliament; and

(c) exercising any management function in relation to the civil service.'.

Amendment 81, page 5, line 1, leave out 'special' and insert 'Ministerial'.

Amendment 82, page 5, line 3, leave out 'special' and insert 'Ministerial'.

Amendment 83, page 5, line 5, leave out 'special' and insert 'Ministerial'.

Amendment 84, page 5, line 7, leave out 'special' and insert 'Ministerial'.

Amendment 85, page 5, line 8, leave out 'special' and insert 'Ministerial'.

Amendment 86, in clause 15, page 7, line 38, leave out 'special' and insert 'Ministerial'.

Amendment 22, page 8, line 14, at end insert—

'(e) those terms and conditions prohibit the special adviser from undertaking restricted duties.'.

Amendment 23, page 8, line 26, at end insert—

'(d) those terms and conditions prohibit the special adviser from undertaking restricted duties.'.

Amendment 24, page 8, line 38, at end insert—

'(d) those terms and conditions prohibit the special adviser from undertaking restricted duties.'.

Amendment 87, page 8, line 38, at end insert—

'(1A) A Ministerial adviser appointed to give party political advice to Ministers or to undertake other activities otherwise inappropriate to a civil servant is to be termed a "political adviser".

(1B) A Ministerial adviser appointed for his professional experience to assist with specific projects or problems is to be termed a "specialist adviser".

(1C) All Ministerial advisers must act only in the advisory and not an executive capacity.'.

Amendment 25, page 8, line 45, at end insert—

'(3) The following are restricted duties—

(a) authorising the expenditure of public funds;

(b) exercising any power given by or under an Act of Parliament or an Act of the Scottish Parliament;

(c) exercising any function relating to the appraisal, reward, promotion or disciplining of civil servants in any part of the civil service (including a part of the civil service to which this Act does not apply).'.

New clause 15—*Cap on number of special advisers*—

'(1) The number of special advisers appointed by Her Majesty's Government in the United Kingdom shall be limited according to the procedure laid out in subsections (3) to (6) of this section.

[The Second Deputy Chairman]

(2) Until the procedure laid out in this section has been completed, no new special advisers may be appointed.

(3) A Minister of the Crown must lay before parliament an order setting a limit for the total number of special advisers at any one time in the service of Her Majesty's Government in the United Kingdom.

(4) The order may make for provision for different Ministers of the Crown to be allowed to appoint different numbers of special advisers.

(5) The order may make provision, within the limit referred to in subsection (3), for there to be a limit to the number of special advisers who may be paid from public funds at any one time.

(6) An order under this section comes into force when resolutions approving it have been passed by both Houses of Parliament.'.

9.45 pm

Kelvin Hopkins: I say at the outset that I do not intend to press my amendments to a vote. One good reason is that, unfortunately, there are some slight technical errors. However, they are important amendments and I hope that my Front-Bench colleagues will at least consider incorporating their spirit, and even some of their wording, into the Bill at a later stage. They are about special advisers and seek to replace the term "special" with "ministerial", so that we know precisely to whom the advisers are addressing their advice. It is a more accurate word and it would clarify the role of special advisers in future if they were called "ministerial advisers".

The Public Administration Committee, of which I am delighted to be a member, has discussed the role of special advisers at some length. Perhaps other Members have also discussed this issue during the debate, but there is a history to special advisers with which I have some familiarity. In the 1970s, I knew Tony Benn and his special advisers. However, the famous Francis Cripps and Frances Morrell operated strictly as his political advisers; they did not have a role in advising or instructing civil servants. What they did was useful and legitimate, although it did not please the civil servants at the time. Tony Benn's habit was to speak first thing in the morning to his personal political advisers and then later to the civil servants, so that he was well prepared for debating with them later in the day. That was seen then by the civil servants as untoward.

However, under Tony Blair the power of special advisers went way beyond that; they took on a much more powerful role. They were effectively directing civil servants, acting as an Executive layer between Ministers and civil servants. This was something new, and it looked as though it was politicising the civil service in an unacceptable way. I was critical of that at the time, and I think we have rowed back from that arrangement to some extent.

At the time, however, things went even further than that. Some of the special advisers in Downing street were actually giving instructions over the heads of Ministers. At least two former senior Ministers are on record as complaining that their role was being marginalised. They were being kept out of the picture because policy was being passed from Downing street direct to the civil servants by special advisers, almost making the Ministers irrelevant. I am glad to say that that has changed.

Peter Bottomley (Worthing, West) (Con): That was 12 years ago. At the time, what was the proper way for people to raise that issue and say that the situation was either ineffective or improper, or both?

Kelvin Hopkins: Well, it concerned me at the time. I have been a member of the Public Administration Committee for seven years, and we have discussed these matters on a number of occasions. I have made very strong criticisms of that mode of operating, which changed the nature of our constitution and the relationship between Ministers and the civil service. It was a great mistake. I have used stronger language than that many times, which I will not use now—my hon. Friends who are also members of the Committee have heard me use it—when talking about authoritarian regimes and the techniques they use to exert political control at every level. However, to an extent, we have rowed back from that position, which I very much welcome.

I want to divide the role of ministerial adviser again. As my amendments point out, ministerial advisers come in two types: specialist advisers, who are experts who can give advice on technical matters that will help a Minister to do his job better; and political advisers or hacks—the sort that I might have done in a different regime. Long before I came into this place, I worked as a political adviser within the trade union movement. I used to use every opportunity to twist and turn politics as I wanted; that is what political advisers do. They act as advisers to Ministers—to one side; they do not instruct civil servants. That is why we want to use the term "ministerial adviser". Such people give advice to Ministers—they do not act as civil servants—and they are divided into those two categories.

If I may say this, it is a good day to bury special advisers, to coin a phrase. We should restore the proper role of the civil service as independent, impartial, neutral and equally able to serve Governments of all persuasions. Also, I hope that within the civil service there will be a range of views, so that good advice can come from all sides—in fact, from different sides of the argument—within the service itself. That is how it operated in the past and that is how it should operate again.

These amendments would restore the proper status of Ministers, whose role has been played down. The Cabinet has not been the power it was in the past. I would like to see Cabinet government genuinely restored, so that politics is really debated and thrashed out at Cabinet level, and does not just come down from the political advisers surrounding a Prime Minister—any Prime Minister.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): My hon. Friend and I share an interest in that history. When did we have something that he would describe as functioning Cabinet government? During what period was that?

Kelvin Hopkins: I do not wish to speak for too long, although I thank my hon. Friend for his intervention. This issue has been drawn to our attention by some former heads of the civil service who have been before the Select Committee. They reminded us that back in the days of the Wilson Governments, and perhaps those of the Callaghan Governments, there was a remarkable range of views within Cabinet. It stretched from Tony Benn and Barbara Castle, on one side, to Roy Jenkins

and Shirley Williams, on the other, with several others in between. Within such Cabinets a real debate on policy took place, representing a spectrum of opinion. I am sure that the same was true of the Conservative party in times gone by, but our party certainly had genuine debate in Cabinet.

It has also been pointed out that in times past the Cabinet would, typically, see some 200 policy papers a year—that is four a week, on average. Cabinet would debate those papers and reach some kind of consensus on them. I understand that in one of the more recent years, two policy papers went to the Cabinet. Considering two papers compared with 200 represents a change. I like to think that we should have a genuine debate in Cabinet, with strands of opinion, whichever party is in power—that should certainly happen when my party is in power. Those strands should represent the broad range of opinion within the large parties in our, essentially, two-party system—I apologise to the Liberal Democrats.

That form of government was better than what we have had in more recent years—we might have avoided some mistakes, on all sides, had we had it. Special advisers should be replaced by ministerial advisers; we should have advisers giving advice to Ministers, not giving orders to civil servants.

The Second Deputy Chairman: May I just advise the Committee that it would seem sensible to take clause 15 stand part with this group of amendments? I have received representations about that and, as it is closely related, it would seem a sensible thing to do.

Mrs. Laing: It is pleasure to agree with almost everything that the hon. Member for Luton, North (Kelvin Hopkins) has just said. *[Interruption.]* I hope that I am not doing him any harm in doing so. It is sad that the idea of the special adviser was first invented to assist Ministers and civil servants, so that such a person could play a hybrid role between the civil servant and the political office and political duties of the Minister.

I do not think that this is declaring an interest, but I should say that I was a special adviser from 1990 to 1994. I recall very well the mostly unwritten code that we observed carefully. There was no question in those days of special advisers telling civil servants what to do. I know that the Lord Chancellor would agree with my comments—were he in the Chamber—and those of the hon. Member for Luton, North, because he was one of the first special advisers when he worked for the then Mrs. Barbara Castle. He undertook that position with the same distinction that he has shown since, and there was no doubt whatsoever as to what special advisers did.

What is sad is the fact that, as the hon. Member for Luton, North described, the Government decided in 1997 to change the role of special advisers and almost overnight increased their number from 38 to 70 and more. More importantly, they changed their role and allowed special advisers to give instructions to civil servants, thereby undermining the position of civil servants. It is a pity that we cannot have a full debate on that this evening. We have only five minutes left and I shall curtail my remarks so that others will have an opportunity to speak, but I would have liked a full debate on that very issue. The fact that I cannot demonstrates that what my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) said when we debated the programme motion earlier this evening has proven to be totally correct. We could have gone on debating this tomorrow, because it is a very important matter.

David Howarth *rose—*

Mrs. Laing: Before the hon. Member for Cambridge (David Howarth) makes his speech—and I shall give way to him in a second—may I say that I entirely agree with his amendments 22 to 25, on restricted duties?

David Howarth: I thank the hon. Lady for giving way. In fact, I was simply going to ask her whether she would support amendment 22 in the Lobby. It lays down the principle that she was talking about, which is that civil servants should not be instructed by special advisers for precisely the reasons that she gave and because it undermines the proper relationship between political appointees and the civil service. If she is of that opinion, I would like to test the opinion of the Committee on that amendment.

Mrs. Laing: I understand what the hon. Gentleman is saying. I do not think that it is necessary for the matter to be tested in the Lobby, but in principle I agree entirely with what he has to say.

It is sad that the once noble role of special adviser—a person who served the civil service, Ministers, Parliament and therefore the people very well—has been so badly undermined by this Government over the past 12 years. I note that the Minister disagrees, but I hope that she will tell us right now that that balance will be redressed so that special advisers can go back to being proper special advisers again.

Dr. Tony Wright: I shall be extremely brief. It is unfortunate—in fact, that is hardly the word—that we have reached a part of the Bill that has some real meat in it and there is simply no time to discuss it. I hope that the Government will say how we can deal with the rest of the Bill, because at the moment the Committee will be unable to do so. Over the years, we have had endless arguments about special advisers, and we do not need to repeat them now. Let us hope that we have got it out of our system, but surely we must agree that we have to know what special advisers can and cannot do. In a Bill that sets down the core values of our system of our government, we need to say on the face of it what special advisers can and cannot do. Surely we have to test the will of the Committee on that.

David Howarth: I agree entirely with the hon. Member for Cannock Chase (Dr. Wright) and I think that the way to test that opinion is to press amendment 22 to a vote, so I shall ask you, Sir Michael, if we can do that in due course.

I should also mention very briefly new clause 15, which would at least require the Government to say what the limits on the numbers of special advisers should be. At the moment the Bill, as drafted, would allow thousands of special advisers to be appointed, which would entirely undermine the senior civil service and introduce an entirely different system of government.

Angela E. Smith: I am grateful to hon. Members for keeping their comments short so that I have time to respond. First, on the points made by my hon. Friend the Member for Luton, North (Kelvin Hopkins), I have every sympathy with what he is trying to achieve but think that his amendments achieve the opposite, as they

[Angela E. Smith]

blur the line. The term "special advisers" is understood. I take the same view as the hon. Member for Epping Forest (Mrs. Laing); it is a noble profession that allows political support and advice to be given to Ministers while maintaining the integrity and impartiality of civil servants. I hope that my hon. Friend the Member for Luton, North will withdraw his amendment. I have every sympathy with his intention, but I do not think that his amendments will achieve what he wants.

In response to my hon. Friend the Member for Cannock Chase (Dr. Wright), may I say that I think that there is a lot of force to his point about the need for us to be clear about what special advisers can and cannot do? He has already mentioned the debate that has been had and it is widely agreed that Ministers need advice and assistance. That is an important role to fulfil, and the first act of the Prime Minister in 2007 was to remove the position—

10 pm

Debate interrupted (Programme Order, this day).

The Chairman put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the amendment be made.

Amendment 79 negatived.

The Chairman then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Amendment made: 36, page 4, line 35, leave out subsections (2) to (7) and insert—

'(2) For this purpose, the Minister may publish separate codes of conduct covering special advisers who serve the Scottish Executive or the Welsh Assembly Government.

(3) Before publishing a code (or any revision of a code) under subsection (2), the Minister must consult the First Minister for Scotland or the First Minister for Wales (as the case may be).

(4) In this Chapter "special advisers code" means a code of conduct published under this section as it is in force for the time being.

(5) The Minister for the Civil Service must lay any special advisers code before Parliament.

(6) The First Minister for Scotland must lay before the Scottish Parliament any special advisers code under subsection (2) that covers special advisers who serve the Scottish Executive.

(7) The First Minister for Wales must lay before the National Assembly for Wales any special advisers code under subsection (2) that covers special advisers who serve the Welsh Assembly Government.

(8) A special advisers code forms part of the terms and conditions of service of any special adviser covered by the code.'.—*(Mary Creagh.)*

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 14 ordered to stand part of the Bill.

Clause 15

DEFINITION OF "SPECIAL ADVISER"

Amendments made: 37, page 8, line 7, leave out '8(7)' and insert '8(8)'.

38, page 8, line 22, leave out '8(7)' and insert '8(8)'.

39, page 8, line 35, leave out '8(7)' and insert '8(8)'.—*(Mary Creagh.)*

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18

DEFINITIONS ETC

Amendment made: 40, page 9, line 38, leave out '8(3)' and insert '8(4)'.—*(Mary Creagh.)*

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 20 ordered to stand part of the Bill.

New Clause 9

CROWN EMPLOYMENT: REMOVAL OF EXISTING NATIONALITY REQUIREMENTS

'(1) Section 3 of the Act of Settlement (which, subject to exceptions, prevents persons born outside the United Kingdom from holding certain offices) does not prevent any person from being employed or holding office in a civil capacity under the Crown.

(2) In the Aliens Restriction (Amendment) Act 1919 (c. 92), omit section 6 (which, subject to exceptions, prevents the appointment of aliens to posts in the Civil Service).'.—*(Mark Tami.)*

Brought up, and added to the Bill.

New Clause 10

CROWN EMPLOYMENT: POWER TO IMPOSE NEW NATIONALITY REQUIREMENTS

'(1) Rules may be made imposing requirements as to nationality which must be satisfied by a person employed or holding office in a civil capacity under the Crown in a reserved post.

(2) A post is a reserved post if—

(a) it is a post in any of the security and intelligence services, or

(b) it is within subsection (3) or (4), and a Minister of the Crown has determined that it is necessary for requirements as to nationality to be satisfied in relation to the post.

(3) The posts within this subsection are—

(a) posts in Her Majesty's Diplomatic Service and posts in the Foreign and Commonwealth Office, and

(b) posts in the Defence Intelligence Staff.

(4) The posts within this subsection are posts whose functions are concerned with—

(a) access to intelligence information received directly or indirectly from any of the security and intelligence services,

(b) access to other information which, if disclosed without authority or otherwise misused, might damage the interests of national security,

(c) access to other information which, if disclosed without authority or otherwise misused, might be prejudicial to the interests of the United Kingdom or the safety of its citizens, or

(d) border control or decisions about immigration.

(5) A determination under subsection (2)(b) may relate to a particular post or posts, or to posts falling within a description specified in the determination.

(6) In this section "the security and intelligence services" means—

(a) the Security Service,

(b) the Secret Intelligence Service, and

(c) the Government Communications Headquarters.

(7) The rules may also—

(a) impose requirements as to nationality which must be satisfied in the case of persons connected with a person who must satisfy requirements imposed under subsection (1), and

(b) provide that any requirement imposed under paragraph (a) may be treated as satisfied if a connected person has or had substantial ties with the United Kingdom.

(8) For the purposes of this section the following are connected with a person—

(a) any parent or deceased parent of the person,

(b) any spouse or civil partner of the person,

(c) any person living together with the person as if they were spouses or civil partners, or

(d) any parent of a person within paragraph (b) or (c).

(9) The rules are to be made by a Minister of the Crown.

(10) The rules may include provision—

(a) exempting persons of a description specified in the rules (and persons connected with them) who were first employed, or first held office, in the post in question before a specified date, and

(b) allowing the granting of exemptions by the appropriate person.

(11) In subsection (10)(b) "the appropriate person" means—

(a) in the case of posts in the Security Service, the Director-General of the Security Service or a person nominated by the Director-General of the Security Service,

(b) in the case of posts in the Secret Intelligence Service, the Chief of the Secret Intelligence Service or a person nominated by the Chief of the Secret Intelligence Service,

(c) in the case of posts in the Government Communications Headquarters, the Director of the Government Communications Headquarters or a person nominated by the Director of the Government Communications Headquarters, and

(d) otherwise, a Minister of the Crown.

(12) The references in—

(a) section 75(5)(b) of the Race Relations Act 1976 (c. 74) (rules relating to nationality etc. of persons employed in service of Crown), and

(b) Article 71(5)(b) of the Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6)) (corresponding provision for Northern Ireland),

to the implementation of rules include the grant of (or refusal to grant) exemptions under subsection (10)(b).

(13) The power of a Minister of the Crown to make rules under this section is exercisable by statutory instrument.

(14) A statutory instrument containing rules under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(15) Nothing in this section limits any power to impose a requirement which is not a requirement as to nationality even if the ability of a person to satisfy the requirement may be affected by the nationality of the person or any other person.'.—*(Mark Tami.)*

Brought up, and added to the Bill.

New Clause 11

CROWN EMPLOYMENT: REPEALS AND REVOCATIONS

'The Schedule [Crown employment: repeals and revocations] has effect.'.—*(Mark Tami.)*

Brought up, and added to the Bill.

New Clause 33

CIVIL SERVICE ANNUAL REPORT

'(1) The Minister for the Civil Service must publish and lay before Parliament an annual report on the functioning of the civil service of the state.

(2) The Minister for the Civil Service may publish separate reports covering civil servants who serve the Scottish Executive or the Welsh Assembly. Before publishing these separate reports the Minister must consult the First Minister for Scotland or the First Minister for Wales (as the case may be).

(3) Such a report must include but is not limited to—

(a) details on the numbers of civil servants by each government department and agency;

(b) the costs of civil servants by each government department and agency;

(c) a comprehensive definition of the civil service of the state for that year.

(4) The First Minister for Scotland must lay before the Scottish Parliament any report under subsection (2) that covers civil servants that serve the Scottish Executive.

(5) The First Minister for Wales must lay before the National Assembly for Wales any report under subsection (2) that covers civil servants that serve the Welsh Assembly Government.'.—*(Mr. Maude.)*

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 187, Noes 295.

Division No. 237] **[10.4 pm**

AYES

Afriyie, Adam
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Clappison, Mr. James
Clark, Greg
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David

Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Howell, John
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Dr. Richard
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony

Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
Mactaggart, Fiona
Malik, Mr. Shahid
Malleber, Judy
Mann, John
Marris, Rob
Maraden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morley, rh Mr. Elliot
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Steve McCabe and Mr. George Mudie

Question accordingly negatived.

New Schedule 1

'CROWN EMPLOYMENT: REPEALS AND REVOCATIONS

Title and reference	*Extent of repeal or revocation*
Aliens Restriction (Amendment) Act 1919 (c.92)	Section 6.
Aliens' Employment Act 1955 (4 & 5 Eliz. 2 c. 18)	The whole Act.
European Communities (Employment in the Civil Service) Order 1991 (S.I. 1991/1221)	The whole Order.
European Communities (Employment in the Civil Service) Order 2007 (S.I. 2007/617)	The whole Order.'.

—(Mark Tami.)

Brought up, and added to the Bill.

The Chairman left the Chair to report progress and ask leave to sit again (Programme Order, this day.)

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Michael Lord): With the leave of the House, we shall take motions 4, 5 and 6 together.

Motion made, and Question put forthwith (Standing Order 118(6)).

REGULATORY REFORM

That the draft Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009, which was laid before this House on 20 July, be approved.

VALUE ADDED TAX

That the Value Added Tax (Buildings and Land) Order 2009 (S.I., 2009, No. 1966), dated 21 July 2009, which was laid before this House on 21 July, be approved.

DANGEROUS DRUGS

That the draft Misuse of Drugs Act 1971 (Amendment) Order 2009, which was laid before this House on 19 October, be approved. *—(Mark Tami.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)).

COMMON FISHERIES POLICY REFORM

That this House takes note of European Union Document No. 8977/09, Commission Communication on the Green Paper—Reform of the Common Fisheries Policy; and supports the Government in working with the European Commission to improve the governance framework of the Common Fisheries Policy, thereby contributing to the delivery and maintenance of sustainable fisheries.*—(Mark Tami.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Resumption of adjourned debate on Question (2 November).

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be added.

Hon. Members: Object.

Debate to be resumed tomorrow.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Resumption of adjourned debate on Question (29 October).

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.

Hon. Members: Object.

Debate to be resumed tomorrow.

PCSOs (Somerset)

Motion made, and Question proposed, That this House do now adjourn.—*(Mark Tami.)*

10.20 pm

Mr. Jeremy Browne (Taunton) (LD): Before I get on to the main substance of the debate, this is a fitting opportunity to pay tribute to a police officer, Sandy Padgett, who died only last month. She was a thoughtful, intelligent police officer who was the senior officer responsible for the half of Somerset within which my constituency lies, covering Taunton Deane, Sedgemoor and west Somerset. She died very unexpectedly at the tragically young age of 41, and her loss is still mourned and noticed not just by police officers but by people in all walks of life in my constituency and across Somerset.

The context of the debate is a decision by the Conservative-controlled executive at Somerset county council to reduce the budget for police community support officers, with effect from April 2010, by £129,000. Before I get into the details of precisely what arrangements are planned and why I feel so strongly that we should resist the budget cuts, I shall paint a background picture of why this is a matter of wider concern for people living right across Somerset.

Like people everywhere else in the country, my constituents are affected by violent serious crime, but it is fair to say that that is not the typical everyday experience of most people in most communities in Somerset. What causes a great deal of anxiety for those people is more routine—some people would describe it as lower-level—crime and antisocial behaviour, which often blights their lives. It is things such as graffiti, litter and late-night noise that make people feel that their quality of life is compromised. That public concern is real, and it is the responsibility of all interested parties—political parties, the police, local councils and others—to address the anxieties that my constituents and those of other Somerset Members feel.

Various councils and interest groups have put in place good arrangements to try to address those anxieties about lower-level crime and antisocial behaviour. Even before I was elected there was a good scheme of wardens in a large village in my constituency called Bishops Lydeard. They had a distinctive uniform and were visible out on patrol in their community. Similar schemes operated throughout Somerset and throughout the country, a lot of them under the auspices of local authorities rather than the police. The decision was taken, on balance rightly, to bring all those disparate groups and different efforts to address public concern under one umbrella and make them part of the overall police family. That was the genesis of the idea of PCSOs.

Last Friday I spent, as I have many times in the past, a half day out on patrol with the police in certain areas of Taunton—Holway, Halcon, the Lane estate, Priorswood and Lyngford. In all those areas, I was particularly interested to observe how well police neighbourhood teams are working in their communities. They have been a success in many parts of the country.

People often say to me, "Well, I'm not sure about community support officers, because I'd like to see more real fully-fledged police". Everyone would recognise—it is a statement of fact—that there are more police officers than there were 10 years ago, and I do

not want PCSOs to replace the regular police officers or be a substitute for them. However, they can play a complementary role as part of neighbourhood teams. That is what I have observed in Taunton and elsewhere: police have worked closely in conjunction with PCSOs and the different roles have made them a more effective and responsive force as a consequence.

Mr. David Heath (Somerton and Frome) (LD): I congratulate my hon. Friend on securing this debate. As a former chairman of the Avon and Somerset police authority, I am delighted that we have had more police officers in Avon and Somerset recently, although I must say that that is now in decline: we are losing officers, and have fewer now than we had a year or two ago. However, PCSOs are playing an essential role in supporting our police officers. They not only provide a uniform presence in many of our villages, but in towns such as Frome, they form a very strong bond with local young people, and work in a way that is simply not possible with modern policing. PCSOs nevertheless provide a complementary service, exactly as my hon. Friend says.

Mr. Browne: I completely agree with my hon. Friend. Perhaps I can break down the role of PCSOs as part of the neighbourhood teams into three categories. The first role is visibility. How many times have we heard—not only in towns, but in small villages and more remote populated areas—how much people value having a visible police presence on the street? People often complain that they do not see the police, or that the police do not properly engage with them, so the uniformed presence of PCSOs is valued by a great number of people.

Secondly, PCSOs can play a role in ensuring that the function of the police reaches down to community level—for example, by holding regular advice surgeries in community centres, or by visiting victims of crime or people who have made complaints about the level of police activity in their area and talking to them about their concerns. They might go and see older people and advise them about home security, or visit primary or secondary schools to talk to children about crime and police-related matters.

Outside the Asda store in Taunton there is what is called a police pod. The public can drop in to that and do not have to go to the length of visiting the main police station. There they can get some advice on security—making their house, car or bike safer—or report a crime to the police or the PCSOs. In all those different ways, PCSOs, precisely because they are not engaged in dealing with criminals in the same way as police officers are, can spend more of their time out on the street, in the community, visible, at the same time as having those regular community functions.

The third role of PCSOs is something that often surprises people, because it sounds slightly counter-intuitive. Quite a lot of police time is spent on activity that is not to do with combating criminal activity. For example, the police might be asked to help divert traffic following a road accident, but PCSOs are perfectly capable of performing that task, ensuring that more regular police officers are not taken away from other tasks. Somerset MPs know that at this time of year carnivals are very popular, and PCSOs have a role in ensuring that public safety is maintained when thousands of people come on to the streets to enjoy such community events.

I remember once going on patrol with the Taunton town centre PCSOs. A child was lost, having turned round to find its parents gone during a shopping trip. Understandably, the parents were panicking. PCSOs, through their radio links and co-ordination with the CCTV operators, were able to locate the child and reunite child and parents. No criminal act had been committed. Some people would want the police out and about catching criminals, not performing that type of function, and PCSOs are ideally suited to such work.

To summarise, people value the visibility of PCSOs and like them as part of a neighbourhood team with the regular police; and the police can have greater flexibility and perform more of a community role as a result of PCSOs working in concert with them. But because of the historic funding legacy—the PCSOs were brought in under the police umbrella but were not originally part of the police family—it has been recognised for some time that councils and others contribute to their funding. An agreement was made in 2008 between Somerset county council, Sedgemoor district council and Taunton Deane borough council to make a contribution to the funding of PCSOs in partnership with Avon and Somerset police. Sedgemoor and Taunton Deane have much smaller budgets so their contributions were relatively modest, at between £20,000 and £30,000 annually. However, Somerset county council agreed an annual contribution of £418,000, a substantial sum. Between them, the councils were funding an additional 17 PCSOs to work with local communities across Somerset.

At the time of the agreement, the spokesperson for Somerset county council said:

> "These three Councils have funded PCSO's because they recognise the improvements to community safety which can be achieved by PCSO's working at a local level."

That is precisely the type of activity that I have mentioned, and the council cited others, including making our communities feel safer and reducing antisocial behaviour; reducing crime; limiting the damage caused by alcohol to our communities; preventing young people from entering the criminal justice system; safeguarding vulnerable people; and improving safety on Somerset roads. So the undertaking was given by Somerset county council and others to maintain funding to achieve those objectives.

It is in that context that I was genuinely shocked to discover that the new administration at Somerset county council had decided to make a cut of £129,000 in the budget for PCSOs from April 2010. That is a cut in the existing budget contribution of almost a third.—

Mr. David Laws (Yeovil) (LD): I congratulate my hon. Friend on securing this important debate. He will know that the Conservatives in Somerset have been alleging that the plan to reduce PCSOs is only a plan, but is he aware that papers that went to the council's cabinet this week talk of the reduction in PCSO support essentially as a done deal, and already take it into account in plans for the future? Is that not a concern?

Mr. Browne: It is very much a concern for me. I would not want anyone to think that this claim had been invented by me or other Liberal Democrats. As my hon. Friend rightly says, it is a concrete plan put forward by the Conservative administration of Somerset county council. Further confirmation is provided by the fact that, in an expensive local newspaper advertisement, the

[Mr. Jeremy Browne]

prospective Conservative parliamentary candidate for Taunton Deane said that he supported me in opposing the cuts being proposed by the Conservatives on Somerset county council. That appears to offer complete confirmation that those cuts are in no way fictitious. If they were, he would not need to support my campaign against his colleagues at county hall.

We had county council elections in June this year, so they were only a matter of months ago. People might have been entitled to expect that if there was a plan to cut the county council contribution to this important police community support work by almost a third, it would have been one of the issues that we discussed, in a grown-up and sensible way, at that election. The Conservatives could have said, "Here's our plan to slash the budget for PCSOs," and we could have had a debate about whether that was a good plan. The Conservatives clearly thought that people in Somerset would not be keen on the idea, which is why it was kept secret during the election campaign.

There has been no meaningful consultation. I do not know whether my hon. Friends the Members for Somerton and Frome (Mr. Heath) and for Yeovil (Mr. Laws) have also received letters from Somerset county council asking for their views on whether that would be an appropriate course of action in the communities that they represent in Parliament. However, I am not aware of any meaningful consultation taking place.

Public opinion, in my view, is strongly against the proposal. I would not claim, of course, that there is 100 per cent. opposition to what has been suggested by the county council. However, I decided to try a modern form of communication and set up a Facebook group to try to oppose the changes. Almost 1,000 people have signed up to the group in the past few days alone, and a few of them have posted comments. Let me give hon. Members a flavour of them. Phil Hobson said:

"Our PCSOs do a great job collecting 'on the street' intelligence for the police and can talk to young people better than regular officers. I know this from personal experience—we always see them walking the beat and they have defused several...incidents"—

that is, antisocial behaviour incidents—

"as well. Wouldn't know what to do without them."

Danni Sowden wrote:

"our PCSO is very good, helps our village become a nice area and stops trouble!"

Angie Leach said:

"Well done and good luck. The PCSOs here have proven their value to the community over and over again!"

Helen Gould said:

"To cut back on PCSO funding now would be a very unhelpful step back in the fight to provide safer, quieter communities for us all to live in. It would undermine and undo all the good work these hard-working and conscientious minded individuals have achieved."

Tony Gore said:

"Nothing beats 'presence' as a deterrent, and in country areas any form of policing is better than none."

Andy Newland said:

"I am a fan of PCSOs on balance they have been good for our communities".

That is the type of feedback that I have been getting from people who are extremely concerned about the budget cuts proposed by the county council.

I understand that all local authorities, and indeed central Government, face difficult budgetary issues. We are in a situation in which decisions will have to be made, and sometimes those decisions will not be popular. However, we must remember that the county council has just spent almost £50,000 on advertising to recruit a new chief executive. That, for me, represents an extraordinary priority, given that the budget for PCSOs is being cut. If the Conservatives in the council had decided that they would rather have a lower budget, they would, as I said, have been well-advised to put that proposal forward at the elections a few months ago.

In conclusion, my desire is to support the neighbourhood policing teams. They work extremely well and ensure that the police continue to have a high level of visibility in communities across Somerset. Those teams of regular police officers and PCSOs work in concert. It is my view—I hope that it is the Minister's as well—that a cut of £129,000 in the annual Somerset county council contribution to Avon and Somerset police to fund PCSOs would be a backward step. It would make the public's understandable concerns about crime in Somerset all the more acute. I look forward to hearing his comments, therefore, and I hope that he will join me and say how strongly committed he is to neighbourhood policing. I hope, too, that he will give a clear steer that this House is uneasy about the cuts proposed by the Conservative administration at Somerset county council.

10.38 pm

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I am grateful to the hon. Member for Taunton (Mr. Browne) for securing this debate, and I congratulate him on it. I am also grateful to his hon. Friends the hon. Members for Yeovil (Mr. Laws) and for Somerton and Frome (Mr. Heath) for supporting him this evening. I also thank the hon. Member for Taunton for his kind comments about our police colleague, Sandy Padgett, who, as he mentioned, died recently. His comments will be of comfort to those who knew her and her work in the Somerset area.

I know that the hon. Member for Taunton has taken a keen interest in the matter before us, and I have been following the press discussions with interest. He made an excellent case for the work of community support officers not just in Somerset but throughout England and Wales, and for the support that they give to police officers in dealing with antisocial behaviour, community policing and ground-level activities that are crucial to confidence in police services throughout Somerset and elsewhere.

The amount of funding that Somerset county council gives to support Avon and Somerset police on such matters is—I hope the hon. Gentleman will recognise—a matter for Somerset county council. I cannot be, nor would I wish to be, the leader or the executive of Somerset county council; nor can I account for the administration that currently runs it. I hope that the hon. Gentleman will recognise that the support given to PCSOs in Somerset remains a matter for local discretion. Later I will give some views and flavours about those decisions, but they remain a local matter.

The key point that has been put across today is that PCSOs have a vital role to play in neighbourhood policing. If I look, as I did only an hour ago, at the figures for the west Somerset basic command unit, which covers the hon. Gentleman's constituency, I see that there are clear advantages in driving down crime to be gained from police and police community support officers working together. Indeed, crime in the area that the hon. Gentleman represents has fallen by 6.2 per cent. over the past year, with vehicle crime falling by 22.4 per cent. If I may make a plug, Mr. Deputy Speaker, I got those figures from the crime map that we launched a couple of weeks ago which shows the position in every area and BCU area.

As part of the policing pledge, we want such engagement with the community. The hon. Gentleman made a strong case for the synergy between PCSOs and neighbourhood policing in driving down crime and increasing confidence. Indeed, confidence in policing has increased, and not just in Somerset but across England and Wales, from 45 per cent. a year ago to a record 50 per cent. in the last British crime survey two weeks ago, our target being 60 per cent. in the near future.

That will have something to do with the record numbers of police officers in Somerset and elsewhere—Somerset now has 3,303 formal police officers, which is 314 more than in 1997—but it will also have a great deal to do with the focus of PCSOs, working alongside police officers, on tackling lower-level, but highly visible antisocial behaviour and other issues of high concern for the community at large. One of the main themes of the policing White Paper that we will bring forward shortly will be strengthening and embedding that role further, because it is only through effective partnership work between the police and police community support officers, working alongside councils such as Somerset and Taunton Deane, that we can make a difference on the ground.

Funding is a key issue, but let me give some context. The Home Office is providing some £332 million to police authorities in the current financial year to support neighbourhood policing. That constitutes 70 per cent. of the funding for some 16,000 police community support officers nationwide. The Home Office now provides some £7.16 million of support for Avon and Somerset constabulary to ensure provision of 346 PCSOs, who are funded this year by that direct grant from this Labour Government. There are 381 PCSOs in Avon and Somerset constabulary overall. The difference between those figures—346 and 381—is because of funding such as that provided by Somerset county council and other agencies. Home Office funding increased last year by 2.7 per cent. and by a similar amount this year. In 2010-11, for the last year of this comprehensive spending review, we are committing to ensuring that that central Government support to fund the large bulk of PCSOs is in place for the future.

Whatever the decisions of Avon and Somerset police authority or Somerset county council, this Government have a commitment to continue supporting PCSOs. The 346 PCSOs funded directly by this Government were funded last year, will be funded this year and will be funded next year, pending the CSR, which will take place after the general election whatever the outcome. That funding for neighbourhood policing is a central part of our partnership approach.

For me personally, match funding and community buy-in to PCSOs are extremely important. That is why I have welcomed past commitments made by local authorities in the Avon and Somerset area to supporting those additional community support officers. I think that they represent very good value for money given the activities that they can undertake to prevent crime, build confidence, support communities and help to reduce crime on the ground. Partnership in policing is extremely important. If it does not exist, and if crime rises, local authorities such as those in Somerset will have to suffer the consequences, including more social dysfunction and difficulties on the streets. Those issues would affect the future budget headings of places such as Somerset.

The 11 neighbourhood police beat teams that operate in the Taunton constituency, and the PCSOs who support them, are extremely valuable in helping to drive down crime and, ultimately, reduce the burden on ratepayers as a consequence of that crime downstream.

Against that background, I share the hon. Gentleman's concern that Somerset county council is considering a reduction of some £129,000 in it funding for PCSOs from 1 April 2010. Like him, I have seen the newspapers and heard what colleagues representing other parts of Somerset have said about the fact that this is still a plan in progress. That is a matter for the council, as I have said. I was interested in what the hon. Member for Yeovil said about the cabinet papers, but I have to say that this is a decision for the council. I would, however, be disappointed—as would Avon and Somerset police—if that cut took place.

Mr. Heath: A point has just occurred to me, and I wonder whether the Minister can help me with it. If, as a result of this quite disgraceful decision by Somerset county council, PCSOs were laid off and made redundant, would the cost of those redundancies fall on the police authority? Would not that reduce yet further our ability to police Somerset properly?

Mr. Hanson: My understanding is that it would, because those PCSOs would be employed by the police authority rather than the county council. I will check on that, however, and if need be, confirm it or otherwise after the debate.

I want to put this matter into context, because it is a serious issue relating to Somerset county council's contribution. I would be disappointed if it were to reduce that contribution. I know that the police authority would also be disappointed. I need to put this into context, however, because the £129,000 would equate to about 4.5 PCSOs from the present Avon and Somerset contingent of 381—346 of whom are funded centrally by the Home Office. So, while this is an important issue, I would not wish people in Avon and Somerset to think that the decision would lead to the loss of PCSOs on the ground in Somerset, or indeed in Taunton. The Home Office is committed to that funding and will continue that funding. We will ensure, as we have done to date, that the 346 are in place for the future.

The Avon and Somerset force faces considerable challenges to meet its joint police and local authority public confidence target, which is currently at 46 per cent., rising to a final target of nearly 60 per cent. by March 2012. The PCSOs will be a considerable factor in

[Mr. Hanson]

achieving that, and they will have a particular role to play in that regard. Any reduction in their numbers, outside the Home Office contribution, would be regretted, but I have to emphasise again that that is a matter for Somerset county council, and I hope that it will take on board what has been said in the House this evening.

I know that the hon. Member for Taunton has collected a number of signatures to his petition, and I am extremely impressed by his use of Facebook. My constituents try to impress on me the importance of this modern technology, and I hope that, at some point, I shall reform and be able to respond in detail. It shows that there is a strong level of support for these issues in Taunton and in the rest of Somerset, and I will undoubtedly take a keen interest in how the situation unravels in due course, and in what Somerset county council does to support Avon and Somerset police in delivering reduced crime and improved confidence. I congratulate the hon. Gentleman, and I hope that the debate will have been of use to him.

Question put and agreed to.

10.49 pm

House adjourned.

House of Commons

Wednesday 4 November 2009

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Saville Inquiry

1. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): On what date he expects the Saville inquiry to report. [296666]

The Secretary of State for Northern Ireland (Mr. Shaun Woodward): Lord Saville recently informed me that he does not expect to deliver his report until the week beginning 22 March next year.

Mr. Goodwill: That date is three days before one of the possible dates for a general election. Does the Secretary of State agree that it would be impossible to publish the report during the final stages of a general election campaign? Is there anything that he can do to bring forward the publication of that already overdue report?

Mr. Woodward: The House will understand that it is not for me to speculate on dates of general elections. I can, however, tell the House that I have again met the families and the soldiers, and I am grateful to hon. Members for facilitating those meetings. The families are deeply disappointed by yet another delay; it is agonising for them. The same is true for the soldiers and their families. This delay is causing very real distress, and it is clearly compounding an already very anxious situation.

Mr. Gregory Campbell (East Londonderry) (DUP): Given that the publication date that Lord Saville has indicated is a possible, if not a likely, date for a general election announcement, is he aware of the toxicity and controversy that will undoubtedly follow his report in that context?

Mr. Woodward: I had the opportunity to meet the hon. Gentleman in his constituency only a week ago, when I was also meeting the families. I am particularly concerned about the delay. With great respect to my right hon. Friend the Prime Minister, the date of a general election is a matter for him. However, there should be no delay in publishing this report. I have urged Lord Saville, and made every effort available, to ensure that we publish it as quickly as possible.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): As well as a statement when the Saville report is published, will there be a full debate in this Chamber in Government time on the report?

Mr. Woodward: The report has taken more than 10 years to produce, and it has cost nearly £200 million, half of which has been spent on legal aid. The report has been crucial to the peace process, and we will study its findings carefully. I say that because I think that the House will want a debate on it, and the Government would want to grant it a debate on the report and its findings.

Mr. Gerald Howarth (Aldershot) (Con): May I thank the Secretary of State for agreeing to meet a deputation of soldiers? That was very much appreciated. Will he express to Lord Saville our anger at the expense that he has run up, and at the ultimate discourtesy to this House and to the people involved that he has not yet published the report? Please will he express our anger at his incompetence?

Mr. Woodward: The hon. Gentleman will know the concern that I have, for both the families and the soldiers who are part of the report. I am very concerned about the delay, and I very much hope that Lord Saville not only takes my representations seriously but finds the opportunity to read the *Hansard* of today's questions, because it is extremely important that he understand the genuine concern across the whole House.

Paramilitary Activities

2. **David Tredinnick** (Bosworth) (Con): What recent assessment he has made of the extent of activities of dissident paramilitaries in Northern Ireland. [296667]

7. **James Duddridge** (Rochford and Southend, East) (Con): What recent assessment he has made of the level of activity of dissident republicans in Northern Ireland; and if he will make a statement. [296673]

The Secretary of State for Northern Ireland (Mr. Shaun Woodward): I have today placed in the Library a copy of the Independent Monitoring Commission's 22nd report on the activities of paramilitary groups, in which the IMC states:

"Dissident republican activity since the early summer of 2008 had been consistently more serious than at any time since we had started to report in April 2004."

David Tredinnick: Speaking as a former Grenadier Guard who served in Northern Ireland, may I ask the Secretary of State to express his condolences to the families of the three Guardsmen and two military policemen killed yesterday in Helmand province? Does the Secretary of State recognise the contribution to the peace process made by the Grenadiers in Northern Ireland, including building the peace line? Finally, will he tell the House whether the upsurge in violence is due to new terrorist activity, or to the Provisional IRA under another name?

Mr. Speaker: I heard at least three questions there, but one answer from the Secretary of State will suffice.

Mr. Woodward: In answering the hon. Gentleman's third question, may I associate myself firmly with the remarks made in his two previous ones? In response to his third question, I urge him to read the IMC report, which makes it clear that such activity cannot be attributed to the organised activities of those who may have represented paramilitary activity in the past. The report is extremely clear in laying the blame where it appropriately lies, particularly with the so-called RIRA and CIRA—Real IRA and Continuity IRA. Those groups are extremely dangerous, and a political solution is pressed as a matter of urgency.

James Duddridge: Does the Secretary of State agree that the tragic death of Constable Stephen Carroll, allegedly by a 17-year-old, means that we should look carefully again at community policing and at how it helps to stop young people getting involved with proscribed organisations?

Mr. Woodward: The hon. Gentleman will understand why I may not wish to speak about the particular individuals who have been charged with the murder of Constable Carroll, but I will say that the IMC report—I urge all hon. Members to read it—is very clear about where some of the recruitment, particularly of young males, is coming from and why it is happening. Within the report, there is also a proposal for a political intervention, which the IMC believes would be potent in having an effect on these people.

Mark Durkan (Foyle) (SDLP): Does the Secretary of State acknowledge that the logic of the IMC today is consistent with advice that the Social and Democratic Labour party has been giving for over two years about the importance of devolving justice and policing as a way of disarming the dissident groups? Does he also acknowledge that we are concerned that the dissidents could be assisted by some of the consequences of the Ashdown review? Given the seriousness of the situation, why has only the leader of the Alliance party been given confidential security briefings and why is the Secretary of State asking the Alliance leader to go quiet on the shared future in the countdown to the devolution of justice and policing?

Mr. Woodward: You might me rebuke me, Mr. Speaker, if I chose to answer all of those questions. I will none the less try to find an envelope that might succeed in answering the purport of the question. The report is very clear about the problem that we are facing in Northern Ireland today as a result of criminals calling themselves dissidents. It is very clear that there is a political solution and the report advocates that early devolution of policing and justice powers to the Northern Ireland Assembly could provide a potent intervention. I urge that intervention on all those elected in Northern Ireland, regardless of party.

Mr. Adam Ingram (East Kilbride, Strathaven and Lesmahagow) (Lab): I welcome the views of the IMC and its conclusion that the time is right for the transfer of policing and justice powers to the devolved Assembly. I ask my right hon. Friend to reiterate in very strong terms the view of the IMC that the transference of those powers would, in its words,

"be a platform for co-operation against those trying to undermine the peace process."

That is the best signal to send to the dissidents.

Mr. Woodward: My right hon. Friend is absolutely right. It might be worth drawing the attention of the House to one of the remarks in the IMC's report today, which is that the activities of these dissidents

"represent a challenging of the peace process by groups always violently opposed to it",

but critically at the moment

"not an unravelling of that process."

We have a duty to ensure that that peace process does not unravel.

Mr. Peter Robinson (Belfast, East) (DUP): Will the Secretary of State join me in condemning the attack by dissidents at the home of a police officer under a car that was driven off by his partner, although fortuitously no lives were lost as a result? Will he underline the need for police officers and their families to be particularly vigilant at this time, as even if they consider themselves to be living in safe areas, they need to remain alert? Will he indicate what steps he intends to take to meet the challenge set by the dissident republicans from their increase in activity over the past number of months?

Mr. Woodward: I very much join the right hon. Gentleman in those remarks and I thank him for the role that he is playing in trying to drive forward progress on completion of devolution. I would none the less remind him that paragraph 5.1, to which my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram) referred, is very clear in saying that

"the early devolution of policing and justice powers to the...Assembly...could provide a potent intervention... It would be because policing and justice would no longer be a point of contention across the political divide; rather, it would be a platform for co-operation against those trying to undermine the peace process."

Sir Patrick Cormack (South Staffordshire) (Con): Will the Secretary of State pass on the congratulations of this House to the Police Service of Northern Ireland on the skill and vigilance that enabled it to defuse a massive bomb on the border? That occurred since the House last had Northern Ireland questions.

Mr. Woodward: I am happy to pass on those remarks to the PSNI. I am sure that the House would warmly welcome the new Chief Constable, Matt Baggott, who has taken over control of the PSNI. The PSNI does an extremely brave job, as this report demonstrates, in extremely difficult and challenging circumstances.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): May I associate myself with the remarks of the Secretary of State and the IMC report—that the devolution of criminal justice would indeed be "a potent intervention" that politicians could effect in dealing with dissident republican groups? Does he agree with me and those with whom I am associated in Northern Ireland that, in the long term, these groups will be countered only if we are able to pursue an agenda of shared futures?

Mr. Woodward: The hon. Gentleman is right to draw attention to the importance of the shared future. There has been a lot of discussion about community confidence being built before devolution can take place. The report puts clearly before the House and the public of Northern

Ireland that the real challenge to community confidence is the threat posed by dissidents. We have a choice, and we can act: early devolution would be a potent intervention, and I hope we will complete it soon.

Mr. Owen Paterson (North Shropshire) (Con): Further to the comments of my hon. Friend the Member for Bosworth (David Tredinnick), with Remembrance day approaching we should remember all those who were killed or injured serving the security forces, protecting our democracy and safeguarding our public. The latest IMC report published this morning contains some encouraging news, but also other deeply worrying information. The report states:

"The overall level of dissident activity was markedly higher than we have seen since we first met in late 2003. The seriousness, range and tempo of their activities all changed for the worse in these six months."

The Secretary of State has had time to analyse the report. What are his conclusions, and what does he intend to do?

Mr. Woodward: I am grateful to the hon. Gentleman, and I would like to mark our thanks to the Opposition parties who have helped in supporting the financial package put forward by my right hon. Friend the Prime Minister to enable early devolution to take place. The hon. Gentleman is right to draw attention to the part of the report relating to the security issue, which goes on to say that the challenges

"pose a major challenge to the law enforcement and other agencies on both sides of the border. Had it not been for the work of all these agencies North and South, more lives would have been lost."

The report identifies a major challenge, and I hope that all parties in Northern Ireland rise to it.

Mr. Paterson: On the conclusion that the report endorses the devolution of policing, the Opposition have always taken a responsible approach. We support the devolution of policing and justice, and we supported the Bill in March. My right hon. Friend the Leader of the Opposition has confirmed our long-term commitment to the significant financial package proposed by the Government. We have always made clear that devolution should happen only when all parts of the community are supportive—

Mr. Speaker: Order. I am increasingly unhappy about the length of the preamble before we reach the question. Can we please now have a question? I want to make progress.

Mr. Paterson: Does the Secretary of State agree that it is down to all four parties in the coalition on the Executive to work together to finalise the details and the timing?

Mr. Woodward: The hon. Gentleman is right: it is up to the four parties. But let us be clear: as the report highlights, this is perhaps a moment when whatever individual issues might still prevent parties from moving forward, they should now set aside their differences, find the points of common unity and purpose, and ensure that the dissidents do not become a major threat to people in Northern Ireland.

Loyalist Paramilitaries

3. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What recent assessment he has made of the extent of the activities of loyalist paramilitary organisations in Northern Ireland. [296668]

The Minister of State, Northern Ireland Office (Paul Goggins): Although I welcome the positive leadership that has delivered major progress on decommissioning, some individual members of loyalist paramilitary organisations remain involved in criminality and punishment attacks.

Mr. Vara: I am grateful to the Minister for those comments. However, when does he believe that the loyalist paramilitaries will disband their command structures, and what is he doing to try to ensure that that happens?

Paul Goggins: It is important that those organisations take down their command structures and desist from criminality, and that the Ulster Defence Association in particular moves to complete the decommissioning process it has begun—certainly no later than February next year, when the powers run out. I am particularly concerned about the increase, reported today by the IMC, in the number of paramilitary-style attacks in loyalist areas this year: already more than double the number last year. These people must stop taking the law into their own hands, and let the police and the courts do their job.

Mr. Eddie McGrady (South Down) (SDLP): Will the Minister confirm that it is the Government's urgent intent not only that there will be full and immediate decommissioning by loyalist paramilitaries, but that PSNI and the Serious Organised Crime Agency will pursue their criminally acquired assets and those of other paramilitaries past and present?

Paul Goggins: It is essential that decommissioning be completed by February next year, as the special arrangements will not be extended. My hon. Friend is also right that those who, as part of paramilitary gangs or other groups, have acquired criminal assets, often running into millions of pounds, should have them taken back off them. I reassure him that SOCA, Her Majesty's Revenue and Customs and the PSNI will pursue those people relentlessly and bring those assets back into the public domain.

Mr. Laurence Robertson (Tewkesbury) (Con): When the Government extended the arms amnesty until 2010 a few months ago we supported the Government, very reluctantly. Will the Minister confirm yet again that he will not seek to introduce primary legislation to extend the amnesty? We certainly could not support any further extension, because after that date we shall see these people as nothing more than criminals.

Paul Goggins: Let me once again express my appreciation for the Opposition parties' support for our approach to the decommissioning amnesty order. I believe that an unequivocal message went out from the House from all parties that there would be no tolerance of people who hold back on decommissioning, and no extension of

the amnesty powers beyond February next year. Next February, the powers will run out for good. Those who still hold on to weapons must decommission them, and decommission them now.

Equality Commission

4. **Philip Davies** (Shipley) (Con): What discussions he has had with the Northern Ireland Executive on proposals for the appointment of new commissioners to the Equality Commission for Northern Ireland. [296669]

The Minister of State, Northern Ireland Office (Paul Goggins): The Secretary of State appointed four new equality commissioners in September this year, following a fair and open competition. Under the Northern Ireland Act 1998, responsibility for making such appointments lies solely with the Secretary of State. He wrote to the First Minister and the Deputy First Minister to notify them of the launch of the competition, and he informed them when the appointments were made.

Philip Davies: Will the Minister warn the new commissioners about the unease that is felt about the commission, particularly among many Unionists, and will he ensure that it does not add to the compensation culture in Northern Ireland or fuel the already crippling burden of political correctness there?

Paul Goggins: How did I guess that the phrase "political correctness" might just creep into the hon. Gentleman's supplementary question?

The hon. Gentleman and I have discussed this issue on a number of occasions, including occasions on which I have been at the Dispatch Box, and I think it fair to say that we do not agree on it. This is not about political correctness; it is about putting fairness, justice and equality at the heart of the peace process in Northern Ireland. That is what the Good Friday agreement did when it established the Equality Commission. The hon. Gentleman should not underestimate the difference that the commission has made, and the distance that it has taken us in terms of the progress made in Northern Ireland.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): Surely it is difficult for the Equality Commission to demonstrate fairness, and to be a paragon of fairness, when the composition of its own staff is so out of kilter with the community in Northern Ireland. There is a serious under-representation of Protestants. How can the commission go to local councils and other public bodies and ask for fairness and equality when it has itself failed to practise those virtues?

Paul Goggins: The right hon. Gentleman mentioned the staff, but the commissioners themselves reflect communities across Northern Ireland. In appointing commissioners, the Secretary of State must have due regard to their community background, although there is of course an open competition. The appointments to which I referred in my first answer were made in a fair and open way, and the Equality Commission plays a very important role in the peace process in Northern Ireland.

Loyalist Decommissioning

5. **Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): What recent progress has been made on loyalist decommissioning; and if he will make a statement. [296670]

The Secretary of State for Northern Ireland (Mr. Shaun Woodward): The House will note the report from the Independent International Commission on Decommissioning, which was placed in the Library last month and which records very significant acts of decommissioning by loyalist groups. The House will also know from my right hon. Friend the Minister of State that the decommissioning order will end unequivocally on 9 February next year.

Mr. Clifton-Brown: The Secretary of State has made clear that the amnesty will end in February. That being so, what more can he do to encourage loyalist paramilitaries to participate in the decommissioning process so that it can be completed once and for all? Will he also make clear that those who break the law can expect the full rigour of the law to come down upon them, and that they will face due process?

Mr. Woodward: The answer to the hon. Gentleman's second question is yes. As for his first question, we are making that requirement clear. That is why we are, I believe, making substantial progress on decommissioning, although we expect more. *[Interruption.]*

Mr. Speaker: Order. There are still far too many private conversations taking place in the Chamber. It is very unfair on the Member asking the question, and on the Minister answering it.

Mrs. Iris Robinson (Strangford) (DUP): My party welcomes the progress made towards total decommissioning by loyalist paramilitaries. When that process has been completed, will the Secretary of State publish an inventory of the weapons decommissioned by both the IRA and the loyalist paramilitaries?

Mr. Woodward: As the hon. Lady knows, as part of the process there will at the end of it be a full statement by the IICD.

Historical Inquiries

6. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What assessment he has made of the effect of the report of the Consultative Group on the Past on the operation of the Historical Enquiries Team of the Police Service of Northern Ireland; and if he will make a statement. [296672]

The Minister of State, Northern Ireland Office (Paul Goggins): The Government have recently concluded a consultation on all the recommendations made by the Consultative Group on the Past and are currently considering the responses. Meanwhile, the Historical Enquiries Team is continuing to carry out its important work with great sensitivity and professionalism.

David Taylor: The primary task of a police unit to pursue criminal justice seems inimical to the mandate of the HET to resolve unanswered questions, which would surely be better handled by a legacy commission. Does

the Minister believe that recent new money for the Province will be adequate to finance the HET and that it will not become bogged down in an expensive legal morass of Savillian proportions?

Paul Goggins: I reassure my hon. Friend first that the PSNI does a fine job in pursuing criminals and keeping Northern Ireland and its people safe. We have made no decisions yet in relation to the recommendation by the Consultative Group on the Past on a legacy commission, but I also reassure my hon. Friend that the HET is a very cost-effective way of dealing with the issue of unresolved murders. Substantial resources will be made available to the Northern Ireland Executive if policing and justice powers are devolved, but how that money is spent will, of course, be for the Justice Minister and Executive to determine.

Sammy Wilson (East Antrim) (DUP): I have already written to the Minister about the money being spent by the HET and the alleged inefficiencies in how it is being spent. What steps is he taking to ensure that the tens of millions of pounds currently being spent by the HET are spent in an effective and efficient manner?

Paul Goggins: I believe that that money is spent in an effective and efficient manner, and, indeed, the Committee of Ministers of the Council of Europe has paid great tribute to the HET for being both effective and independent. Many hundreds of cases that have been opened and dealt with by the HET have been resolved, so I do not accept the hon. Gentleman's assertion that it is inefficient in any way; it is doing a very important job very well.

Dr. Alasdair McDonnell (Belfast, South) (SDLP): Does the Secretary of State accept that there is still much work to be done before the needs of many of the innocent victims are met? A scurrilous rumour is going around that he intends to bin the report of the Consultative Group on the Past. Does he have any plans for making progress?

Paul Goggins: There is certainly absolutely no intention whatever to bin—as the hon. Gentleman puts it—the work of the Consultative Group on the Past. The work it has done has been very important. My right hon. Friend the Secretary of State opened up a further consultation on its recommendations. That consultation is now completed. *[Interruption.]* We are considering the outcome of the 230 representations that were made as part of that consultation, and we will publish a summary of those responses in due course. *[Interruption.]*

Mr. Speaker: Order. I hope that Members will have the courtesy to listen to the questions and then to the answers.

Local Government Reorganisation

8. **Angela Watkinson** (Upminster) (Con): What progress has been made on reorganisation of local government in Northern Ireland; and if he will make a statement. [296674]

The Minister of State, Northern Ireland Office (Paul Goggins): The reorganisation programme is the responsibility of the Minister of Environment in Northern Ireland, who recently made a statement to the Assembly that plans to reduce the number of district councils from 26 to 11 are on track and that the new structures will be in place by May 2011.

Angela Watkinson: I thank the Minister for that answer. As he will know, the new local councils are not yet in place, and I am grateful to him for confirming that the date of the local elections in Northern Ireland is May next year.

Paul Goggins: The hon. Lady will know that we delayed the elections that would have taken place this year to 2011. That is an absolutely final date so far as my right hon. Friend the Secretary of State and I are concerned, and I am pleased that the Minister of Environment has committed to put the necessary legislation in place so that that can happen.

Mr. Nigel Dodds (Belfast, North) (DUP): On an issue that is the Minister's responsibility, can he tell us whether he will bring forward legislation to allow councillors in the current set-up to retire without the need for costly unwanted by-elections as we come to the fag end of the current councils leading up to 2011?

Paul Goggins: The hon. Gentleman makes an important point; we do not want a succession of by-elections between April next year and May 2011. I recently published a consultation document on a number of options to make sure that we deal with the issue and do not have all those by-elections to which he referred.

Devolution

9. **Mr. Julian Brazier** (Canterbury) (Con): What recent assessment he has made of the progress of devolution of responsibility for criminal justice and policing to the Northern Ireland Assembly; and if he will make a statement. [296675]

The Secretary of State for Northern Ireland (Mr. Shaun Woodward): It is for the parties in Northern Ireland to decide when to request transfer. My right hon. Friend the Prime Minister has made a settlement of upwards of £800 million available to the parties if they reach agreement.

Mr. Brazier: Is the Secretary of State satisfied that in no circumstances will intelligence-gathering be compromised under any possible devolution?

Mr. Woodward: Yes.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [297503] **Mr. Jamie Reed** (Copeland) (Lab): If he will list his official engagements for Wednesday 4 November.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I am sure that the whole House will wish to join me in sending our condolences to the families and friends of the five soldiers who died in Afghanistan yesterday—three soldiers from the Grenadier

Guards and two soldiers from the Royal Military Police. The death of five brave soldiers in a single incident is a terrible and tragic loss, and I want to pay tribute, as the whole House will, to their professionalism, and to their courage and service. Our thoughts must also be with the five additional members of our armed forces who were seriously injured in the same incident yesterday. Evidence is now being assembled, but it appears that they were targeted because they were engaged in what our enemies fear most—they were mentoring and strengthening Afghan forces to make Afghanistan more secure. While we will step up and strengthen our security wherever we can, we will not stop doing what the Afghan Taliban fear most. The sacrifice of our military is great and our resolve must match it.

This morning, I had meetings with ministerial colleagues and others, and, in addition to my duties in the House, I shall have further such meetings today.

Mr. Reed: I am sure that everyone in this House will associate themselves with the comments made by my right hon. Friend, for those who have fallen in the line of duty in Afghanistan have done so not only on our behalf, but on behalf of the people of Afghanistan.

Many of my constituents have benefited from the Prime Minister's abolition of prescription charges for cancer patients and many more still welcome his cast-iron guarantee to introduce one-week screening for suspected cancer patients, but we need to do more. What more will this Government do to ensure that we end the postcode lottery and to ensure that people, whatever their wealth and wherever they live, get the cancer medicines they deserve and need?

The Prime Minister: We will not only make promises to improve cancer care in the national health service, we will deliver on these promises. We will not only have a two-week maximum before people can see a consultant, we will move to a one-week maximum before people can actually have the diagnostic tests they need. However, I think that people should be warned about the national health service, because the shadow Health Secretary said yesterday—

Mr. Speaker: Order. I do not think that we need to go into that today, Prime Minister. I call Mr. David Cameron.

Mr. David Cameron (Witney) (Con): Thank you, Mr. Speaker. May I join the Prime Minister in paying tribute to the five brave servicemen who lost their lives, three of whom were from the Grenadier Guards and two of whom were from the Royal Military Police? We must honour their memories, we must care for their families and we must never forget their service. Our thoughts and prayers, as the Prime Minister rightly said, should be with those who, I understand, were badly wounded in what was clearly an horrific incident. Given that it apparently included an Afghan police officer, it does raise some very worrying questions. Can the Prime Minister tell us what inquiries will be made and when we can expect to know more about what happened in this very disturbing incident?

The Prime Minister: I am grateful for the right hon. Gentleman's condolences to all those who are affected by this terrible and tragic incident. I did say, in my initial comments, that evidence is now being assembled on what happened in this terrible incident and that security will be stepped up, where that is necessary, but we cannot desist from the practice that is absolutely essential for the future of Afghanistan and the security of our country: training and mentoring the Afghan forces. That means that our troops will be working with the Afghan police and the Afghan army. Of course, we need to take all the necessary security measures, but it is an essential element of the whole coalition strategy that we train up the Afghan forces so that they themselves are able to take over the security of their country, and that we will continue to do. It is in line with the McChrystal report, and it is in line with the statements that have been made by President Obama, with NATO statements of the past few days and with what we have set out as our strategy for the future. So, yes, we will step up security, but we must not allow ourselves to give up what the Afghan Taliban fear most: that we will have a strong Afghan security force that is Afghan-based and is able to face them.

Mr. Cameron: Clearly, as the Prime Minister says, the training and mentoring is absolutely essential. I have seen it in Afghanistan for myself and the work that is being done is incredibly impressive, but I think that the public will be concerned knowing as they do that British soldiers, including military police, are, even as we speak, living and working side by side with the Afghan national police across Helmand. They will want to know what immediate steps are being taken to ensure that we are safeguarding our forces after what happened yesterday.

The Prime Minister: As the right hon. Gentleman knows, we have been working very closely with the Afghan army and the Afghan police for a number of years. We are stepping up the closeness of our operations. I myself visited a joint Afghan-British operation where both military police and the Army from Britain were working with Afghan soldiers and police forces. Obviously we will review the security arrangements for this, but I repeat that it is an essential element of our strategy that we are not seen as an occupying army but that we work with the Afghan army and are seen to be training the Afghan forces so that they can take over responsibility for the country. Although this has been a terrible and tragic incident, all our commanders on the ground will want to maintain the strategy, which is to work with the Afghan forces so that one day they can take responsibility for the security of their country.

Mr. Cameron: Everyone will agree with what the Prime Minister said about working with the police, but clearly the attack raises questions about the infiltration of the Afghan police by criminals, drug dealers and militants. In evidence to the Foreign Affairs Committee, the Afghan police force was described as

"one of the most dysfunctional institutions in the country",

with reports that the police were actively involved in criminal activities, including the drugs trade. We all agree on a more focused and targeted mission in Afghanistan, and at the heart of that mission, as the Prime Minister has just said, is training Afghans to take more responsibility for their security. Given that, what more can he say about the efforts to clean up an organisation—the Afghan national police—that is essential to the success of our strategy but still seems to be going so wrong?

The Prime Minister: I have to say to the right hon. Gentleman that while we are assembling evidence, the Taliban have claimed responsibility for this incident. It might be that the Taliban have used an Afghan police member or have infiltrated the Afghan police force, and that is what we have to look at. It is the Taliban who have claimed responsibility for this incident. There are about 98,000 police in Afghanistan, many of whom have been moved from one part of Afghanistan to another. There is an issue about their training, which we are addressing with a European effort to ensure that the police are properly trained. We will have to increase the number of police, but it is clear that we will have to increase the quality of police, too. I would not want to draw conclusions about all the Afghan police from one single incident, and what we know is that the Taliban have claimed responsibility for this.

Mr. Cameron: Clearly what the Prime Minister says is right, although he has in the past said that the Afghan police are not seen as a fair part of the Afghan state and so progress needs to be made. Our armed forces will also need to have every confidence that stronger economic development and political effort will go in behind them. Does the Prime Minister agree that it is perhaps time, once again, to return to the idea of a single, strong co-ordinating figure—not just from the United Nations but someone who works across the coalition, including with the Afghan Government and NATO—to deliver this effort more effectively than anyone has done so far? Is it his understanding that that is being considered in Washington and should be part of the revised strategy that we hope that President Obama and his team will announce shortly?

The Prime Minister: Yes, we have been discussing that, and the possibility that we could have a co-ordinator who works more closely with the Afghan Government and with the allied forces, I have to say to the right hon. Gentleman that the first thing that we have to do is to ensure that this new Government, led by President Karzai, will adopt a set of policies that will deal with the problems that have worried not just the international community but people in Afghanistan. The first is that he should deal with corruption, and, whether he appoints an anti-corruption commission or commissioners, he will have to do far more than has been done in recent years. He will have to deal with the problem of the appointment of district and provincial governors as well as appointments at the centre. He will have to show that his new Cabinet is free of the stains of corruption. He has promised to do that and we will be looking for it in his inauguration address and in the measures that he wants to bring forward. The next, as the right hon. Gentleman rightly says, is to ensure economic and social improvement for the Afghan people, and that will need the co-ordination of allied efforts and those of the Afghan Government. Our efforts to move people from heroin to wheat production in Helmand have been successful, but the final element for the Afghan Government is the training of Afghan forces. The only way that we can look to a future where the numbers of our forces can come down while we still have security in Afghanistan is for an Afghan army, in particular, to be ready to take on the responsibility.

Mr. Cameron: A day when we hear the news of such an appalling incident in Afghanistan is not one for obsessing about the internal workings of Parliament and the House of Commons, but is it not important that today we accept in full Sir Christopher Kelly's report? Does the Prime Minister agree that, in accepting the report, it is important that we say that, from now and into the future, Members of Parliament should not vote on our pay, expenses, pensions, terms of service, resettlement or expenses packages? Is not that an essential part of restoring faith in Parliament and politics—and in this House of Commons, which all of us care about?

The Prime Minister: People want to know that the system will be different in future. It will be open, transparent and fair. It will not be managed by MPs themselves but by an independent body that will take responsibility for that. That is why it is right to refer the Kelly report for action and implementation not by ourselves but by the Independent Parliamentary Standards Authority. That is the recommendation of the Kelly report, and that is what we should do. The vast majority of MPs are trying to do a decent job on behalf of their whole communities. At the same time, we must make sure that the public trust in the institution of Parliament is restored. That is why we should accept the Kelly recommendations and make sure that they are implemented as quickly as possible.

Mr. David Blunkett (Sheffield, Brightside) (Lab): Will the Prime Minister tell the House what he thinks of the credibility of a party leader who has spent so much time and energy attacking him over the Lisbon treaty, only to reveal now that his cast-iron guarantee has turned out to be made of plywood?

The Prime Minister *rose—*

Mr. Speaker: Order. May I ask the Prime Minister to focus his response on the policy of the Government rather than that of the Opposition?

The Prime Minister: Yes, Mr. Speaker. The Government will work in concert with the other 26 countries of the European Union. We will work with them on the same policies to bring about economic recovery and to bring down unemployment in our country, and we will work for greater international co-ordination. We will not make iron-cast guarantees that are broken—*[Interruption.]*

Mr. Nick Clegg (Sheffield, Hallam) (LD): Mr. Speaker—*[Interruption.]*

Mr. Speaker: Order. The right hon. Gentleman has a right to be heard, and I want to hear him.

Mr. Clegg: May I first say that, after a shameful year for this Parliament, I agree that Sir Christopher Kelly's report finally gives us the opportunity to start restoring people's trust in the work of MPs here? That is why we must implement the report in full, without any further delay.

I want to add my expressions of sympathy and condolence to the families and friends of the three soldiers from the Grenadier Guards and the two from the Royal Military Police who tragically lost their lives yesterday afternoon, and of the five who were seriously injured. People will be shocked to the core by the fact that they have been working selflessly for the Afghan people and were killed by someone whom they thought that they could trust.

The truth is that without a legitimate and inclusive Government in Kabul and a new coherent international plan for Afghanistan, it will be increasingly difficult for our brave soldiers to do the job there that we are asking them to do. In the Prime Minister's conversations with President Karzai, how much time is the right hon. Gentleman giving him to clean up his Government? What measures will he take if President Karzai fails to act?

The Prime Minister: President Karzai said yesterday at his press conference that he was going to operate a policy in which there would be a clean-up of politics in Afghanistan. We will now have to test him by his words. I think that the first thing that he can do, in his inauguration address, is to signal the changes that he will make in the way that he runs central Government, appoints governors, and deals with the problems with corruption—especially corruption relating to heroin and drugs. It is for President Karzai to show the international community that his Government can have credibility because of the actions that he is prepared to take.

Mr. Clegg: I am grateful for those words, but the Prime Minister needs to be more precise. May I ask him again—*[Interruption.]* He needs to acknowledge first that our mission in Afghanistan is in trouble because we do not have a legitimate Government in Kabul, and we do not have a coherent international plan for Afghanistan. So I ask him again what exactly he will do if the legitimate and inclusive Government whom we so desperately need in Kabul do not emerge?

The Prime Minister: I have already made it clear that the additional troops that we are prepared to make available to Afghanistan are conditional on three things. The first is that the Afghan Government can show that they are willing to take the action necessary to gain the trust of the people of the country and for the security of the people of the country. The second thing is that the Americans and our coalition partners are prepared to engage in burden-sharing. The third thing is that President Karzai and his Government are prepared to make available Afghan forces to Helmand so that we can train Afghan forces for the future. We have made it very clear what our conditions are for the future. I hope the right hon. Gentleman will agree that these are necessary conditions. Of course, they include the improvement in governance, both local and national, in Afghanistan.

Mr. David Winnick (Walsall, North) (Lab): I pay tribute to the bravery of our soldiers. Is not the country entitled to know how long British military personnel will be in Afghanistan? Can this war be won?

The Prime Minister: I have said before that as we train Afghan security forces to get them to take over the task and the responsibilities of Afghanistan—I am saying what President Obama and the other leaders have said—we will be able gradually to bring our forces home. The measure of success in Afghanistan will be that British forces can come home because Afghan forces are able to deal with the security problems of the country themselves. That is what our strategy is about—to build up the Afghan army and security forces, to build up economic prosperity for the Afghan people, and to make sure that the structures of local as well as national Government reflect the will of the people.

Q2. [297504] **Tom Brake** (Carshalton and Wallington) (LD): The Government have today slashed the money available to pay for the freedom pass in London. What is the Prime Minister's estimate of the council tax increase that will be needed to pay for this financial shortfall?

The Prime Minister: No Government have done more to provide help for transport, both in London and in the rest of the country. The hon. Gentleman should know that the national concessionary pensioner fare that we introduced is not just for London, but for the whole country. The Government have supported public transport, whether it be by rail or by road, and done more than any other Government for 50 years.

Q3. [297505] **Dr. Brian Iddon** (Bolton, South-East) (Lab): Why have countries like ours with good relations with Israel allowed the blockade on Gaza to continue for so long? It is denying Gazans the essentials for life, including reconstruction materials, and denying them a good living throughout this very cold winter.

The Prime Minister: I talked to Prime Minister Netanyahu a few days ago and I made it clear that not only the policy of Britain but the will of the international community is to make sure that supplies can enter Gaza so that the Palestinian people there can be sure that they will have a winter in which shortages do not exist. That is the will of the international community, it is what we are urging Israel to do, and while I believe that the Israelis are right to be worried about security and about terrorism, there is also a humanitarian duty to make sure that the people of Gaza are fed.

Q4. [297506] **Mr. Andrew Turner** (Isle of Wight) (Con): Island prisoners must be guarded when they need health care outside prison. By the end of this year, the local health budget will have been exceeded by more than £1 million. That could pay for an extra 15 nurses. Will the Prime Minister ensure that this inequity is corrected urgently?

The Prime Minister: I understand the hon. Gentleman asking for more resources for the health service in his area, but we are spending more on the national health service than ever before. Where issues arise from the treatment of prisoners, we will deal with them.

Q5. [297507] **Mr. Ronnie Campbell** (Blyth Valley) (Lab): The Prime Minister, when he was Chancellor of the Exchequer, brought in the family tax credit, the working tax credit and pensioner tax credit. Can he give me, in the popular phrase, a cast-iron guarantee that this benefit will not be cut or means-tested, whereas the Conservatives would pull it to shreds?

The Prime Minister: We made promises that we would create a tax credit, and we have delivered on that promise. When we have made a commitment, we have actually done what we have said we will do; and, where we have made promises, we will continue to deliver on them, unlike some other people.

Q6. [297508] **Sir Alan Beith** (Berwick-upon-Tweed) (LD): Is the Prime Minister aware that several police authorities, including Northumbria, are using Home Office guidance as a basis for cutting the pensions of

police officers who have been forced to retire when they have been seriously injured on duty? On the principle that we should stand by those who risk their lives and face serious injury protecting us, whether in the armed forces or in the police, will he take a personal interest in the matter and investigate it?

The Prime Minister: I shall obviously look at the matter. When policemen or women retire, they receive their pension. I see no reason why their pension entitlement should be broken, if it is, indeed, an entitlement; and I shall look at what the right hon. Gentleman says.

Q7. [297509] **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): Last Friday, the Youth Parliament met to debate in this Chamber, and the MYP for Milton Keynes, Sean Barnes, spoke strongly in favour of votes at 16, helping to persuade the Youth Parliament to make the issue its top campaigning priority. Will the Prime Minister respond to that clearly expressed demand by the democratically elected Youth Parliament and make sure that his Government implement a reduction in voting age and an extension of full democratic rights to 16-year-olds?

The Prime Minister: I think that bringing the Youth Parliament to this House was a tremendous innovation, and we should be very proud of it. While I do not always agree with your rulings, Mr. Speaker, your innovation in doing that was very important. I personally favour giving young people the vote at 16. It is a matter on which we should consult widely with the public, and then we should make a decision.

Q8. [297510] **Bob Russell** (Colchester) (LD): Colchester is the fastest growing borough in the country. Despite that, Tory-controlled Essex county council plans to shut two of the town's seven secondary schools. It is now known that the council massaged the figures on projected pupil numbers. Does the Prime Minister therefore agree that the reorganisation proposals should be investigated by the Office of the Schools Adjudicator, particularly as Essex county council gave false information to the Department for Children, Schools and Families?

The Prime Minister: I shall look at the matter. Was it not the Leader of the Opposition who said, "If you want to know what a Conservative Government will look like, look at the Tory councils"? The Tory council in the hon. Gentleman's constituency proves the point.

Miss Anne Begg (Aberdeen, South) (Lab): The Labour Government have made great strides in getting and keeping disabled people in work. What is my right hon. Friend's reaction to the news that the Glencraft factory in my constituency could be forced out of business by the lack of support from the Scottish National party-Liberal council? If the factory closes, more than 30 disabled people in Aberdeen will lose their jobs.

The Prime Minister: When there was a Labour council, Glencraft got a huge amount of support from it. I have heard that the grants are being cut by the SNP-Liberal administration in the area. We will look at what we can do, but it is clearly important in a recession to help those people who are most in need of support, and that includes the disabled members of our community.

Q9. [297511] **David T.C. Davies** (Monmouth) (Con): Does the Prime Minister agree that the Ministry of Defence should publish regular figures showing the number of soldiers who have lost limbs or suffered other life-changing injuries in Afghanistan? If he does, will he let me have those figures by the end of the week?

The Prime Minister: We give as much information as possible on what is happening in Afghanistan. We have 9,000 troops there, and we report to the House whenever there have been fatalities. I have reported today also that five soldiers have been seriously injured. Many of them will end up at Selly Oak hospital in Birmingham for the best treatment that they could receive, and of course I am happy to give as much information as possible, consistent with what the Chief of the Defence Staff advises.

Q10. [297512] **Liz Blackman** (Erewash) (Lab): Derbyshire firm Baltex, which is based in my constituency, makes technical textiles and has twice received the Queen's award for industry. Among its work, it reinforces hoses that go into new cars. The company tells me that sales of that particular product line have soared since the inception of the scrappage scheme. What assessment has my right hon. Friend made of the scrappage scheme in terms of jobs and sales UK-wide?

The Prime Minister: The car scrappage scheme, which was dismissed by so many people, has been a great success. So, too, has the help that we are giving to small businesses. Now 200,000 or more small businesses have received cash-flow help from the Treasury. We have taken action to help businesses to keep on employees and to train employees during this difficult recession. None of that would have been possible without the fiscal support that we were prepared to give; that is the difference between ourselves and the Conservative Opposition.

Angus Robertson (Moray) (SNP): After 14 service personnel died aboard Nimrod XV230, the Ministry of Defence accepted responsibility and said that compensation would be "expedited". Three years on, compensation has not been resolved. Do not these service families deserve better?

The Prime Minister: We have just had the final report. The Government, and all those responsible for the mistakes that were made in relation to Nimrod, have apologised. I shall look exactly at the point that the hon. Gentleman has raised. The report has now finalised the issues surrounding Nimrod, and I will write to him.

Q11. [297513] **Stephen Pound** (Ealing, North) (Lab): The hon. and gallant Member for Newark (Patrick Mercer) and I may form an unlikely combination, but we are as one in endorsing the calls made by the Greenford branch of the Royal British Legion for reserved seats at Prime Minister's Question Time for members of the armed forces. Would the Prime Minister agree to make representations to the Serjeant at Arms in order that we can achieve this?

The Prime Minister: We do want to recognise the commitment of our armed forces. Special arrangements are made in a number of different parts of our society. This is an interesting proposal that has been made on an all-party basis, and I am sure that the Serjeant at

Arms and the Speaker will want to look at it. It seems to be something that we can support, but we will have to have consultations with all the different forces in the House.

Q12. [297514] **Willie Rennie** (Dunfermline and West Fife) (LD): Does the Prime Minister remember promising that Rosyth would not become a nuclear graveyard? Fifteen years later, not only are seven nuclear submarines still rotting in the dockyard, but the Prime Minister is considering the dockyard as a permanent location for those submarines. When will he live up to his promise?

The Prime Minister: No decision has been taken on this. I have to remind the hon. Gentleman that Rosyth dockyard is working as a result of the actions that we have taken. The aircraft carriers are coming to Rosyth to be built as a result of a decision that we have made. If other parties had been in power, there would be no Rosyth dockyard at all. We have taken the action that is necessary.

Q13. [297516] **Ms Karen Buck** (Regent's Park and Kensington, North) (Lab): With quality child care being essential both to allow parents to work and for child development, and given the huge investment that the Government have made in the national child care strategy over the years, can my right hon. Friend help me to understand why some local councils, such as Kensington and Chelsea, are proposing to close their nursery schools? What can we do to block this retrograde step?

The Prime Minister: I hesitate to use the words "iron-cast guarantee", but we have provided—*[Interruption.]* The words have become so devalued over the past few days. People will not forget that on Monday the Leader of the Opposition also made an iron-cast guarantee to the national health service; people will remember that as well. On nursery education, we are determined to ensure that three and four-year-olds have the best nursery education possible. We have increased the number of hours for nursery school, and we will continue to make sure that Sure Start provision is available in every constituency.

Q14. [297517] **Paul Rowen** (Rochdale) (LD): The Prime Minister promised in June that there would be a statement on the restoration of compensation for victims of pleural plaques. It is now November, so can he tell us why we have not yet received it?

The Prime Minister: We are meeting the Members of Parliament who have raised this issue with us, and we will come back to the House with a statement on exactly that.

Paul Flynn (Newport, West) (Lab): Does the Prime Minister still have full confidence that the Afghan army and police will be prepared to lay down their own lives, and to slaughter those of their brother Afghans, in the service of foreign powers and in the service of a President who is corrupt and who has just rigged his own re-election?

The Prime Minister: The members of the Afghan army want a safe and secure Afghanistan, as do most of the people in Afghanistan. The members of the Afghan army who have been working with the British Army on Operation Panther's Claw are members who were sent by President Karzai in increasing numbers to back up the work of the British forces. We want to work with the Afghan army and security service. We want to train them and mentor them, and I have heard our chiefs talking about the quality, in the main, of Afghan army members, which is something that we want to continue to increase and strengthen over the months to come.

Mr. Ian Taylor (Esher and Walton) (Con): As a former Science Minister myself, I am well aware that scientific advice can be politically inconvenient, but will the Prime Minister reassure the scientific community that when disagreements happen, he will engage in rational debate rather than shoot the messenger?

The Prime Minister: Scientific advice is valued by the Government in every area. On climate change, on foot and mouth, on dealing with swine flu and on nuclear matters as well as on drugs, we have very good scientists who have been advising us. From the drugs advisory committee, we accepted all but three of more than 30 recommendations. The issue was not the ability of the committee to give advice or the expertise of the members, it was that once Ministers have had to decide a position, after listening to advice on a wider range of social issues than simply the scientific advice, it does not make sense to send out mixed messages to the whole community about drugs. That is why the Home Secretary made his decision.

Speaker's Statement

12.31 pm

Mr. Speaker: Before I call the Leader of the House, I have an announcement to make about the Independent Parliamentary Standards Authority.

Under the Parliamentary Standards Act 2009, it falls to me as Speaker to select a candidate for the chair of IPSA. The Act stipulates that the candidate must be recruited on merit on the basis of fair and open competition, and that the choice must be agreed by the Speaker's Committee for the Independent Parliamentary Standards Authority established under the Act.

Following an open competition carried out by an independent panel, I can today inform the House that I have selected, and the Committee has approved, Professor Sir Ian Kennedy as chair-designate of IPSA. His appointment must be confirmed by the House of Commons before he is formally appointed by the Queen. He will be paid a maximum of £100,000 a year. *[Interruption.]* Order. We are fortunate—*[Interruption.]* Order. We are fortunate to have such an eminent candidate for this important post. Sir Ian was chairman of the Healthcare Commission from its creation until 2009, and he is well known as the chairman of the public inquiry into paediatric cardiac surgery at Bristol Royal infirmary. He originally qualified as a lawyer, and he has a long and distinguished record of chairing and being a member of public bodies.

IPSA is charged with establishing a new and wholly independent system governing MPs' allowances that can command the confidence of the public and of this House, and I am confident that Sir Ian will bring significant leadership skills to that task.

MPs' Expenses and Allowances

12.33 pm

The Leader of the House of Commons (Ms Harriet Harman): With permission, Mr. Speaker, I would like to make a statement.

Today the Committee on Standards in Public Life, under its chair Sir Christopher Kelly, has published its report setting out recommendations for a new framework for parliamentary allowances. People in this country need to be able to have full trust and confidence in their Parliament. What happened under the old allowance system has knocked that confidence.

We come into Parliament not to serve our own self-interest but to serve the public interest, but that is not the impression that the public have. We have all acknowledged that and have recognised that to ensure that we have a system in which everyone can have confidence, we need to take action. We have already made changes and the Kelly report is another important step on that path to restoring public confidence.

Before I turn to the Kelly report, I would like to remind the House of the action that we have already taken. To deal with the past, we are ensuring that any overpayments, including those which were simply a mistake, are paid back. That is the work that the Members Estimate Committee, which is chaired by you, Mr. Speaker, commissioned from Sir Thomas Legg. We have already taken action to change the current allowance system. In order to allow for the period while wholesale reform of our allowances is being considered, we introduced interim measures last May to pare back allowances as a result of a meeting of the party leaders and the Members Estimate Committee.

Amid the enormous attention paid to past problems, no one should overlook the fact that we have already decided to cap the monthly amount that can be claimed on mortgage or rent; to prevent a Member from changing the designation of their main or second home; to abolish the second home allowance for outer-London Members; and to stop claims for furniture, stop claims for cleaning and stop claims for gardening. Parliament has not sat back waiting for Kelly. The current allowance system is already very different from the one which allowed for the claims that have angered both the public and the House.

We have also recognised that for the future, it is no longer appropriate for us to set or administer our own allowance system. That is why in July we passed the Parliamentary Standards Act 2009, which sets up the new Independent Parliamentary Standards Authority, which will decide on our allowances and run the system, so just as we no longer vote on our own pay increases, we will not play a part in deciding or administering our allowances.

My right hon. Friend the Prime Minister in March asked Sir Christopher Kelly, the chair of the Committee on Standards in Public Life, to review the system of MPs allowances. I would like to thank Sir Christopher and his committee for the important work they have undertaken, and also to thank all those, including many hon. Members, who gave evidence to his committee. His report was published only this morning, but it is obviously right for the House to hear an early statement and to have the chance to air initial views.

[Ms Harriet Harman]

MPs representing constituencies outside London need to be able to live in both their constituency and in Westminster because they need to work in both places. We do not want a Parliament where the only people who can come to Westminster as MPs are those who are wealthy enough to afford to pay for second homes out of their own pocket. Nor do we want to undermine the importance of MPs working in two places—the constituency and Westminster. Both are important. Nor do we want to have a situation where you cannot have your family with you if you are an MP. The Kelly report recognises that the allowances are there so that Parliament works properly on behalf of people in this country; the constituency link is sustained; Parliament is not barred to people on modest incomes; and so that Parliament is not barred to people with a young family. The Kelly report acknowledges this.

The Kelly report covers 138 pages and puts forward 60 recommendations. Among the key recommendations are two that I would like to draw to the attention of the House. First, on the recommendation that Members should not be able to claim for mortgage interest but only for rent or hotels, the committee recommends that those with existing mortgages should be able to continue to claim for one further Parliament. It recommends that Members should not be reimbursed for the employment of family members. Those who currently employ family members will be able to continue to do so for one further Parliament.

Turning to the Independent Parliamentary Standards Authority, the acting chief executive, Andrew MacDonald, has been appointed and has begun work, and you, Mr. Speaker, have just announced that Professor Sir Ian Kennedy has been selected as the new chair-designate of IPSA. I will put the motion to confirm his appointment to the House in the next few days. The other members of the authority will be appointed shortly.

The Independent Parliamentary Standards Authority has already started the work of setting up the new allowance regime for MPs. A new allowance regime will be in place to come into effect in the new Parliament, as recommended by Sir Christopher Kelly. In the light of this, the Government welcome and fully accept the Kelly report, which should be taken as a whole. It will be for IPSA to take it forward. This is the approach Kelly's report itself recommends.

Until such time as IPSA takes the Kelly report forward, we will retain the current restricted allowance rules and every claim will of course be published and available for the public to see. Because we decided in July that in future we would play no part in deciding our allowance system and that it would be done independently, it does not make sense for us now to vote on the future shape of our allowance system. Instead that is the job of IPSA. After all, that is what we set it up to do. The Parliamentary Standards Act lays down that IPSA must consult MPs and others when drawing up the allowances regime. IPSA will set to work immediately and we expect, following such consultations, it to proceed as quickly as possible to put into effect the Kelly recommendations on allowances.

The events that lie behind the recommendations in the Kelly report have caused anger and dismay both in the public and among hon. Members. Our responsibility is to continue to take the action needed to sort the situation out and to make the changes that are necessary. The payback system is under way. The new restrictive allowance system will remain in place. Sir Christopher Kelly has recommended a new framework for our allowances, and IPSA is up and running and will set up the new allowance system and administer it. Sir Christopher Kelly's report is another important step on the road to the public knowing that the allowance system has been put on to a proper independent footing and that we are getting on with our important task of serving our constituents and this country.

This House of Commons has yet to fully resolve this damaging episode. But with clear acknowledgement of the public anger, with the firm action already taken, with the Kelly report and the establishment of the Independent Parliamentary Standards Authority, this will be resolved. I commend this statement to the House.

Sir George Young (North-West Hampshire) (Con): I thank the Leader of the House for her statement and may I take this opportunity to deplore the way in which Sir Christopher's report was selectively leaked last week?

This report was commissioned because neither the House nor the Senior Salaries Review Body was able to come up with a sustainable solution to the vexed question of our allowances. On behalf of my party, I wish to thank Sir Christopher and his colleagues for producing a thorough report, whose conclusions we shall accept in full and take forward.

My brief questions fall into two parts—first on the process for implementing reform and, secondly, on the substance of some of the recommendations. On process, does the Leader of the House agree that now that the report has been published, our priority should be to ensure that these reforms are implemented as quickly as possible? Is not the position now very different to that when Sir Christopher began his review? Then he was going to produce the definitive response on which we would vote, and possibly resolve this by Christmas. But since June, as the Leader of the House said, the Parliamentary Standards Act has been put on the statute book, giving IPSA and not Kelly the final say on our allowances. So today's report is not the end of the process—that rests with IPSA, which is not yet constituted. Does she agree that it is important, therefore, that the consultation on Sir Christopher's report and the consultation that IPSA is obliged to carry out should happen at the same time? Does that not mean that IPSA should be up and running as soon as possible, taking Kelly as its text, and if we move quickly, might IPSA come to its conclusions on the Kelly report by February? Under that scenario, can she confirm that the interim arrangements might run until the new IPSA regime kicks in, possibly at the beginning of the next Parliament? Related to that, does she recognise that the continued uncertainty of the timetable for establishing IPSA is causing anxiety for many staff at the Department of Resources, who have to keep the show on the road without knowing their future? Finally, on process, does the Leader of the House recognise that some of the recommendations will require primary legislation, and when does she plan to introduce that?

Turning to the substance of the recommendations, I declare an interest in the employment of relatives. I believe that there is insufficient appreciation of the

demanding jobs that all staff do, often at antisocial hours, and many colleagues on both sides of the House, and indeed their constituents, will attest to the invaluable service that family members can, and do, provide, as was confirmed by Sir Christopher this morning. However, does the right hon. and learned Lady accept, as I do, that in a modern Parliament the current arrangements no longer carry public confidence? Does she agree that we need to accept Sir Christopher's recommendations while considering closely his proposed transitional period to ensure that the House does not fall foul of employment law?

On communications, we welcome Sir Christopher's endorsement of our proposal to scrap the communications allowance, and I welcome what he said on MPs who retain outside interests. I also welcome the recommendation to enable IPSA to look at pay, pensions and allowances, enabling the full spectrum of MPs' remuneration to be considered in the round. Does the right hon. and learned Lady agree that it was the fragmented approach of the past that is partly to blame for the mess that we are in today?

On accommodation, again we support Sir Christopher's recommendations. The public have lost confidence in the current regime, and it has to change. As Sir Christopher says, IPSA will need to look closely at the proposals in the report. There are legitimate concerns with aspects of it, particularly the rules surrounding those who are expected to get back to their constituencies at night. Does the right hon. and learned Lady accept that Sir Christopher's proposals on rent will need to be monitored by IPSA to ensure that the overall package is not more expensive than it is now? Does his package meet the Prime Minister's test on reducing the cost to the taxpayer?

Finally, the issue before us has dogged the House for the past 12 months. The public are waiting for action. Sir Christopher provides the basis for an enduring settlement that is fair to the taxpayer and Members of the House—existing and potential—who need the resources to do the job properly without relying on private means. Is it not now paramount that we make urgent progress in what remains of this Parliament, so that we can return to our core tasks of scrutinising legislation, holding the Government to account and fighting for our constituents, and so that we can bequeath to our successors in the next Parliament the opportunity of a fresh start?

Ms Harman: I thank the shadow Leader of the House for his comments, and I agree with him in deploring the leak.

The right hon. Gentleman raised the point about getting on as quickly as possible with the implementation of the Kelly report, and he is right of course that when Sir Christopher Kelly started his work, the idea was that he would produce a report and that it would come back to the House to be implemented. After he started his work, we decided to set up IPSA, to which his report will now go for implementation. I confirm to the House that IPSA is already up and running. We expect it, of course, to take Kelly as its text, and the current interim regime of allowances will continue and subsist until such time as the whole regime is taken over by IPSA.

On the question about proposals for changes in the legislation on the structure of IPSA, obviously if a new Act of Parliament is brought forward and a new authority set up, it would start its work and Parliament can keep the legislative framework under review. However, I do not think that we should be addressing the question of legislating to change the IPSA structure. The important thing is for it to be getting on with its work.

The right hon. Gentleman acknowledged that the important thing is not to take the proposals piecemeal and for the House not to pick out any one proposal, but that we should simply send the whole package to IPSA. However, he commented on the employment of relatives and accommodation. It is right to recognise, as Sir Christopher Kelly did, that a great deal of hard work is done by the spouses employed by Members of Parliament, which is much valued by constituents. Sir Christopher's proposal for a change in the system should absolutely not cause a cloud to hang over the heads of those who have done, and continue to do, good work in the public interest, and of course IPSA will not want to fall foul of employment law.

On accommodation, it is of course right that IPSA will need to look at the detailed implementation issues that will arise in moving from mortgages to rents or hotels. As the right hon. Gentleman said, we will need to look at how IPSA gets it right. It will of course need to keep an eye on cost, and cost will depend on implementation.

Mr. David Heath (Somerton and Frome) (LD): Sir Christopher Kelly deserves our congratulations and thanks. The report is comprehensive and thorough. There will of course be issues of detailed implementation, but does the Leader of the House agree that we would not expect IPSA to disregard any part of what Sir Christopher calls

"a package, not...a menu of options"?

Should not those colleagues who have expressed difficulties with some parts of the report recognise that we have a unique and privileged position—a position that we apply for every four or five years? The terms of that contract have changed. Those who do not like it have a choice as to whether they reapply.

The Leader of the House has rightly pointed out what has been done recently. It is only fair also to set out the criticism in Sir Christopher's report of what he describes as

"a series of piecemeal attempts at reform, some of which were announced while we were deliberating. These attempts have, at best, lacked coherence."

We have made some progress, but we should recognise that criticism.

Some of the recommendations cannot be implemented without changes in either Standing Orders or primary legislation. Despite what the Leader of the House said in response to the right hon. Member for North-West Hampshire (Sir George Young), can she assure me that those will be considered as a matter of urgency?

It is clear that IPSA will deal with the detailed arrangements. Nobody doubts that, but may I renew the call for an opportunity for all right hon. and hon. Members—not just the lucky few who catch your eye this afternoon, Mr. Speaker—not to vote or amend the recommendations, but to debate them? When I called for such a debate last week, the Leader of the House said that

[Mr. David Heath]

"the hon. Gentleman should make up his mind: does he really think it right that this House should pick over the question of our allowances when we have already decided to make that the responsibility of an independent authority? He cannot be on both sides of the argument".—[*Official Report*, 29 October 2009; Vol. 498, c. 446.]

I am clear: Sir Christopher Kelly's proposals should be implemented in full without equivocation. In the light of her widely reported comments over the weekend, can she say the same, or is she trying, for whatever reason, to be on both sides?

After a disastrous and shaming year for Parliament, Sir Christopher Kelly has taken us back to where we should have been in the beginning when he says:

"Members of Parliament have the right to be reimbursed for unavoidable costs where they are incurred wholly, exclusively, and necessarily in the performance of their parliamentary duties, but not otherwise."

Is that not precisely correct?

Ms Harman: I agree with the hon. Gentleman that the report should be seen as a package, not a menu of options, as Sir Christopher Kelly recommends. I also agree that Sir Christopher Kelly himself acknowledges the progress that the House has already made to improve the system, but nonetheless says that taking a piecemeal approach has meant that this progress has lacked coherence. That is why it is important that the Christopher Kelly proposals go to the Independent Parliamentary Standards Authority as a whole, rather than being dealt with piecemeal.

Obviously the further issues that Sir Christopher Kelly deals with—for example, the structure of the Standards and Privileges Committee and various structural issues to do with IPSA, which are not to do with the allowances regime package, which needs to be dealt with as a whole—are ones that we will need to consider.

On allowances, we should all be on the side of ensuring that the House can do its job. It will help the House to be able to do its job when Sir Christopher Kelly's proposals go to IPSA. It is not a question of our returning to the work that we need to do; the truth is that we have never stopped scrutinising legislation, holding the Government to account and doing the work of the House. We need to return to a situation in which the public have confidence that that is the case.

Sir Stuart Bell (Middlesbrough) (Lab): On a day when we mourn the loss of five of our servicemen, with many others seriously wounded, does that not put into perspective the question of allowances in our time? Is it not a fact that Sir Christopher Kelly is trying to end not just one year of frustration about allowances, but 30 years in which they have bedevilled the House? May I draw the Leader of the House's attention to Sir Christopher Kelly's suggestion that IPSA and the Senior Salaries Review Body look at the pay structures of Members of Parliament, so that in the longer term we can marry pay structures with allowances in such a way that the dreadful allowances system is abolished for all time and we can get back to discussing Afghanistan, the middle east, violence in Northern Ireland, the peace process, Iran and all the other issues, including the economy? Those are the matters that should occupy the House's attention.

Ms Harman: My hon. Friend is absolutely right: that is the paramount role of the House. We should be dealing with issues of concern to our constituents and the country as a whole, as well as international issues, not spending a huge amount of time dealing with our allowances, important though they are to enable us to discharge our obligations on behalf of our constituents.

The Independent Parliamentary Standards Authority will administer our pay and pensions, which will be decided by the Senior Salaries Review Body. We have already decided not to vote on our pay in future. Sir Christopher Kelly suggests that perhaps that role too should be co-ordinated with the responsibility of IPSA, which is certainly something that we can consider for the future. However, the fundamental point is that we will no longer be voting on our allowances, just as we already no longer vote on our pay.

Mr. Peter Robinson (Belfast, East) (DUP): First, may I welcome the publication of Sir Christopher's report and the statement by the Leader of the House? I very much approve of the approach that she is taking to this matter. If any parliamentary procedures are required to implement what she laid out in her statement, she can be assured that my colleagues will be happy to support her.

As the fundamental systemic problem has arisen from the fact that Members of Parliament have been setting both their pay and conditions, and the standards of their expenses and allowances, it would be entirely wrong for Members of Parliament to attempt in any way to unpick Sir Christopher's report. In that context, will the Leader of the House ensure that there will be Government support for all of Sir Christopher's recommendations?

There was one issue on which Sir Christopher did not feel it appropriate to make a comment—namely the pay, expenses and allowances of Members who do not take their seats in this House. In the new circumstances, will the Leader of the House ensure that the House has the opportunity to vote on that issue?

Ms Harman: I appreciate the right hon. Gentleman's comments and the support that he has given to the efforts that the House has taken as a whole to sort the situation out. He is right to recognise that, fundamentally, the problems have arisen because we have attempted self-regulation. Even with the best will in the world, the public do not have confidence that we should regulate our own affairs in that respect any more.

I know that there is discussion about the situation in Northern Ireland. That will have to be a discussion across all the parties, and I know that the right hon. Gentleman will be engaged in it.

Tony Lloyd (Manchester, Central) (Lab): My right hon. and learned Friend should know that the majority of people throughout the country would endorse her remarks, as well as those of the Kelly report, about family members of MPs, whose work and dedication has been very much in the interests of the taxpayer and our constituents. In that context, does she recognise that those employees have rights too? Will she ensure that their particular circumstances are drawn to the attention of the new standards authority, so that it can look properly at what the employment package involves for those who now face uncertainty about their employment prospects?

Ms Harman: Under the Parliamentary Standards Act, that issue will be the responsibility of the Independent Parliamentary Standards Authority, which will of course have to comply with and respect employment rights. I should like to draw the attention of the House to what Sir Christopher Kelly said about family members who work for Members of Parliament. He said:

"Despite the publicity that a small number of cases have received, the Committee has no evidence of abuse occurring on a significant scale through the employment of family members. On the contrary, the Committee has heard evidence that many MPs' family members work hard and offer good value for money for taxpayers".

Sir Patrick Cormack (South Staffordshire) (Con): If the Independent Parliamentary Standards Authority is to be truly independent, is it not important that it regards Kelly as its agenda, and not its prescription? Before the authority considers these matters, would it not be right for the House to have a "take note" debate on Kelly?

Ms Harman: No, I do not think that we should have a "take note" debate. It might be possible in the future to keep under consideration whether there should be a further debate, but I do not think that we want to get into a situation where we have a vote on the different aspects of Kelly. We have had an opportunity for Members to try to catch the Speaker's eye today. If there is a need for further discussions about this, we will have to consider that. The fact of the matter is that we are trying to move away from the House's preoccupation with our own allowances. Many hon. Members—more than 80, I think; myself included—gave evidence to the Kelly inquiry, and he drew up his recommendations and report with that in mind. The matter will now go to IPSA, which, under the Act, has the responsibility to consult Members of this House as well as others.

It has been the habit of a lifetime for us to spend a lot of time in the House debating our pay. We have now broken ourselves of that habit, and it was important that we did so. It has also been the habit of a lifetime for us to discuss our allowances, but we know that, every time we do that, we adopt a piecemeal approach and it causes dismay among our constituents, who, as my hon. Friend the Member for Middlesbrough (Sir Stuart Bell) said, are asking why we are not discussing their jobs and their prospects. We have now set this independent system up, and that is how the matter is to be taken forward. I do not rule out the prospect of a debate in the future, but I hope that—in so far as it is in my power to do so—I may rule out the idea that the House will take Kelly and have a series of votes on all the different bits of it. That would be very undesirable.

Dr. Tony Wright (Cannock Chase) (Lab): We have all made a speech saying that we want nothing to do with the setting of our own pay and allowances, and that we would like those things to be determined by an independent body. When that independent body comes along and determines them, we will logically have no alternative but to accept that. If we do so, that and the other changes that we are making will finally give us a realistic chance of digging ourselves out of the dreadful mess into which the House has got itself.

Ms Harman: I strongly agree with my hon. Friend's comments.

Angus Robertson (Moray) (SNP): I very much welcome the Kelly recommendations—moving Westminster, as they do, towards the higher standard now operating in the Scottish Parliament. At the all-party talks on these issues, much hope was invested by everyone in all the parties that IPSA would deal with pay, allowances and expenses, so it must surely be for IPSA to take the Kelly report forward, and not for MPs to cherry-pick what they like from what they do not like.

Ms Harman: Indeed. When we set up IPSA, and when we were discussing the Parliamentary Standards Act, our imperative was expeditiously to set up an authority with the specific remit of dealing with parliamentary allowances. The Justice Secretary, who took the legislation through the House of Commons, acknowledged at the time that, once IPSA was up and running, it might be able to take on a further remit—for example, that of pay. We are already safeguarded to some extent on pay, however, in that we have already decided not to vote on it. That matter could become statutorily embodied in IPSA in the future, but the most important thing is that the whole Kelly package on allowances falls to be considered by the authority and implemented for the next Parliament.

Mr. Gordon Prentice (Pendle) (Lab): Does Kelly say anything about the generous pay-offs to MPs who leave, then subsequently rejoin, the Government?

Ms Harman: Is the hon. Member talking about the ministerial code and the ministerial payments?

Mr. Prentice *indicated assent.*

Ms Harman: There have already been changes in that, so that when a Minister leaves and subsequently rejoins the Government, the payment that they received on leaving is abated proportionately. That has therefore already been dealt with, which I am sure will meet with his approval.

Mr. Peter Bone (Wellingborough) (Con): I would like to thank the Leader of the House for her statement today, and also for her comments before today's statement. In relation to what Sir Christopher has said about the employment of spouses, was she surprised by his recommendation? In particular, was she surprised that, on page 58, he is in fact encouraging wife-swapping?

Ms Harman: Sir Christopher Kelly sets out his argument in full in relation to the employment of those working for Members of Parliament. He takes up a debate that was already running strongly in the public domain, and it is not a question of our being surprised. This is a question of the whole package going to IPSA.

Mark Durkan (Foyle) (SDLP): Does the Leader of the House recognise that, while many of us say that we must fully accept the Kelly recommendations, not all of us believe that they are as comprehensive or thorough as some have said? Indeed, they will invite the creation of some new anomalies and discrepancies that the new Independent Parliamentary Standards Authority will certainly have to address. Does she recognise that some of us are concerned that five years is too long a period for last orders in respect of certain classes of claims for certain classes of MP? There is a serious risk that the

[Mark Durkan]

next Parliament will end up being a Parliament of double standards, because different standards will apply to the claims and expenses of different MPs. That is a very bad precedent for a legislative assembly to set.

Ms Harman: I do not think that it is unusual, when changing from an old system to a new one, to have transitional arrangements, when hon. Members—or anyone else—have already entered into arrangements. The transitional arrangements should therefore apply. There is nothing unusual about that, and I think that people will understand it.

John Barrett (Edinburgh, West) (LD): The Leader of the House said in her statement that the House of Commons had to "fully resolve this damaging episode", but does she agree that it cannot be fully resolved until the issue of flipping homes for the avoidance of capital gains tax has been investigated?

Ms Harman: The avoidance of capital gains tax is a matter for the Revenue and Customs; it is its responsibility. As for the designation between main and second homes, that has already been addressed at the meeting, chaired by the Speaker, that was attended by all the party leaders, the Members Estimate Committee and the Chair of the Committee on Members' Allowances. At that meeting, it was agreed—and subsequently taken through by the Members Estimate Committee and put into effect—that there was to be no change in designation between a main and second home. Since May, there has been no possibility of that change being made. Even before then, if a proper, accurate description was not given to the Revenue about a second home, that would be a matter for the Revenue to look into so that it could deal with the tax issues.

Peter Bottomley (Worthing, West) (Con): In joining hon. Members in thanking Sir Christopher and his colleagues, may I ask the Leader of the House please to reconsider her answer to the question on a "take note" debate? There are various issues that many people would like to discuss. Two that I can think of are, first, whether allowances could be set for a Parliament and not changed each year, as the report has recommended, and, secondly, whether Sir Christopher and his colleagues have given sufficient attention to the needs of MPs who have young children, because it seems to me that their lives might not be quite so easy under his recommendations as they should be.

Ms Harman: I will listen to, and reflect on, what hon. Members say about wanting a debate, but we all need to ask what the purpose of such a debate would be. We have all agreed that, if it was a "take note" debate, there would be no vote on it. Would its purpose be for hon. Members to make comments in the Chamber to IPSA, to enable it to understand hon. Members' position in the way that they want? If that is the purpose, that can be done either on the Floor of the House in a debate or by writing to IPSA. Bearing in mind the point we are at now, we must reflect quite carefully: we have had the Kelly report and IPSA is going to do its work. We should perhaps try to work according to an element of self-denying ordinance—as soon as I say it, I realise it might be beyond our ability—whereby having legislated for an independent authority, we actually allow it to get on with its work.

Food Labelling (Nutrition and Health)

Motion for leave to introduce a Bill (Standing Order No. 23)

1.10 pm

Helen Southworth (Warrington, South) (Lab): I beg to move,

That leave be given to bring in a Bill to require simple, uniform nutritional labelling on the front of packaged foods; and for connected purposes.

A very broad coalition of support for action is forming, following the extensive research commissioned by the Food Standards Agency and published earlier this year, which found that consumers were confused by the various different labelling formats on the front of packaging and wanted a single simplified system. The labelling approach found to be easiest for customers to understand is a combination of traffic light colours, high, medium, low text and percentage guideline daily amount—GDA—information. The FSA is now formally consulting stakeholders on its findings.

A wide range of retailers have already acted in response to consumer demand for simple at-a-glance information to help busy people to choose to be healthy. The Co-op, Sainsbury's, Waitrose, Budgens and Londis, Booths and Boots are all using traffic light labelling on their products. The Co-op says:

"The health and wellbeing of our customers is important to us, which is why we use traffic lights as a way to convey information and help customers to make choices about the food that they eat".

ASDA and Marks & Spencer use a combination system. ASDA says:

"An overwhelming majority of our shoppers have told us this is the style of labelling they want to see, so that's exactly what we're going to give them".

Marks & Spencer said:

"We aim to provide our customers with clear information—any details you might want or need to be able to make an informed choice about what you're eating".

An increasing number of manufacturers are using traffic lights in response to customer demand for simple information. It is very clear from their public statements about labelling that they see a benefit in the marketplace from listening and responding to customers' requirements.

The traffic light system came under fire from some sources when it was first being considered because of fears that it would mislead customers rather than allow them to distinguish between products, but as the system matures, many manufacturers are using clear, simple labelling to address the fat, sugar and salt content of their food, knowing that customers are finding it easy to make a choice based on quantifiable and easily comparable information.

There is also a clear awareness that customers want to be able to control the contents of what they eat, and that giving them the information is essential to allow them to do that. If retailers want customers to buy their goods, they have to give customers what they want. McCain, for example, has redesigned its packaging to include both the FSA traffic light and the GDA, as recently recommended, saying:

"Product reformation... means that most of our products are green and amber. McCain Rustic Oven chips have four green lights and have attracted younger users to the category."

The company is working to ensure that its products meet customers' needs. Sainsbury's uses the multiple traffic lights as a tool for redevelopment of its products, with whole categories reformulated to reduce the number of red traffic lights on the front of packs—giving customers what customers want. Marks & Spencer are promoting its improvements to its recipes with banners across the shops, announcing on its website that

"in the past two years we've removed over 400 tonnes of salt from our food."

It is saying that because that is what its customers want.

Yo Sushi, East Midlands Trains, National Express, Virgin Trains and Mysupermarket.co.uk are all using the FSA traffic light labelling system. The news might look good for customers, with such a wide range of suppliers responding to the need for a simple front-of-package labelling, but, unfortunately, we still have a long way to go before customers—busy people, shopping in a busy environment—can make quick decisions about what is best for them.

The Which? "Hungry for change" healthier choices progress report 2009 comments that

"the retailers and manufacturers who are already using the traffic light scheme have reported that it is having a positive impact, both in terms of enabling consumers to make more informed choices, but also by encouraging reformulation of recipes to produce more products with fewer reds, increasing the range of healthier food products on offer to consumers."

It continues:

"It is positive that a lot of products now carry nutrition information on front-of-pack as well as back-of-pack, and that many retailers and manufacturers are using the FSA's multiple traffic light labelling scheme. However, many are still not using the scheme, including two of the major retailers... and some of the main manufacturers despite research showing that it is the best approach. Until there is a consistent UK-wide scheme used across all products based on what works best, there will continue to be confusion".

It is really crucial that we get this right.

Experts reckon that about a quarter of all cancer deaths are caused by unhealthy diets and obesity. Strokes could drop by 13 per cent. if people reduced their daily salt intake by 3 grams. Heart disease is the UK's biggest killer, accounting for more than 200,000 deaths every year. Poor diets contribute significantly to the onset of heart disease, with diets that are high in fat, salt and sugar and low in fruit and vegetables accounting for 30 per cent. of all coronary heart disease deaths.

The British Heart Foundation has a very good example that supports the necessity to provide dietary information at point of sale. It reports that the snacks most often found in vending machines in leisure centres have an average caloric content of 203; it would take a seven-year-old 88 minutes of swimming in the leisure centre pool to burn off that many calories. It has been estimated that 20,000 premature deaths each year could be avoided by reducing daily salt intake to 6 grams; 3,500 more by reduction of fat in foods; and a further 3,500 by reduction of sugar to the recommended guideline daily amounts. So it is not surprising that people want to be in control of what they eat.

Over the summer, I carried out an extensive consultation with my constituents on the issue of front-of-package labelling and what they wanted to see. Overwhelmingly, people wanted simple at-a-glance information that was standard across all manufacturers so that they could choose easily between products—wherever and whatever they were buying.

The FSA has identified the single simple system that is best understood by consumers and it has some really heavyweight backers. The British Medical Association says that

"improved consistent labelling will help customers buy healthy food and will help them follow their doctor's advice".

The British Heart Foundation supports the FSA's approach to front-of-package signpost labelling as it offers instant help to customers at the point of sale. The British Dietetic Association says that

"it is important that one clear front-of-pack scheme is adopted so that manufacturers can enable consumers to make choices with confidence."

Diabetes UK says that

"it is vital that people with diabetes and those seeking to reduce the risk of developing the condition get information about foods to help make the right choices about what to eat. Providing information in different formats is likely to be a little better than giving no information at all, so it's really important that the food industry is consistent."

The National Heart Forum says:

"We know that consumers want a single authoritative nutritional labelling scheme they can rely on, whatever brand and wherever they shop".

The Royal College of General Practitioners

"strongly supports this easily understandable and usable tool to identify which foods constitute healthy choices".

The Royal College of Paediatrics and Child Health, the Royal College of Physicians, the UK Public Health Association, the National Consumer Council, Netmums, the National Federation of Women's Institutes, the Stroke Association and Which?, together with huge numbers of our constituents, want simple uniform nutritional labelling on the front of packaged foods.

We in the House should do everything in our power to make it happen.

Question put and agreed to.

Ordered,

That Helen Southworth, Shona McIsaac, Mrs. Janet Dean, Joan Walley, Mr. Ian Cawsey, Christine Russell, Mr. Mike Hall, Ms Sally Keeble, Charlotte Atkins, Mr. Kevin Barron, Ann Coffey and Derek Twigg present the Bill.

Helen Southworth accordingly presented the Bill.

Bill read the First time; to be read a Second time tomorrow and to be printed (Bill 158).

Constitutional Reform and Governance Bill

[Relevant documents: Report of the Joint Committee on the Draft Constitutional Renewal Bill, Session 2007-08, on the Draft Constitutional Renewal Bill, HC 551-I and–II, and the Government response, Cm 7690. Tenth Report from the Public Administration Select Committee, Session 2007-08, on Constitutional Renewal: Draft Bill and White Paper, HC 499, and the Government response. Cm 7688. The letter from the Chairman of the Joint Committee on Human Rights to the Secretary of State for Justice dated 26 October 2009.]

[2ND ALLOTTED DAY]

Further considered in Committee

[SIR MICHAEL LORD *in the Chair*]

Clause 33

TIME LIMIT FOR HUMAN RIGHTS ACTIONS AGAINST NORTHERN IRELAND MINISTERS ETC

1.22 pm

The Minister of State, Ministry of Justice (Mr. Michael Wills): I beg to move amendment 90, page 16, line 28, leave out lines 28 to 30 and insert—

'(2F) In subsection (2D) "rule" has the same meaning as it has in section 7(5) of the Human Rights Act 1998.".'.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): I remind the Committee that with this we are considering the following: Government amendment 91.

Government new clause 43—*Time limit for human rights actions against Scottish Ministers etc.*

Mr. Wills: May I say what a pleasure it is be here, Sir Michael, and to speak to amendments 90 and 91 and new clause 43 in the name of my right hon. Friend the Justice Secretary?

Clause 33 deals with human rights claims brought against Northern Ireland Ministers and Departments. Clause 34 deals with claims brought against Welsh Ministers. The original clauses 33 and 34 define the rules that could impose a stricter limit of less than a year by reference to section 7(9) of the Human Rights Act 1998. However, after further discussion with the devolved Administrations and further consideration of the issue, we now think that it would be better to adopt a different approach to the definition and to link the meaning of "rule" more directly to section 7(5). That will make it clear that the rules under which a case can be brought will be identical as between the two regimes, and there is a direct reference to the specific provision in the Human Rights Act that gives rise to the time limit.

We have therefore tabled amendments 90 and 91 to clauses 33 and 34 to provide that "rule" should have the same meaning as is given to the same word in section 7(5) of the Human Rights Act, thereby providing a link with the rules, which, for the purpose of that section, also impose a stricter time limit, and ensuring that the relevant time limits under the Human Rights Act and the devolution settlements keep pace with each other.

New clause 43 deals with human rights claims brought against Scottish Ministers. I will now explain why that did not form part of the Bill. As Members will be aware, the provision arises out of the consequences of the House of Lords judgment in the Somerville case, which were more pressing in Scotland as Scottish Ministers are responsible for prisons—unlike Ministers in other devolved Administrations. Unlike other jurisdictions in the UK, there is no time limit in judicial review proceedings to act as an alternative, shorter, time limit to the one year. The Somerville case prompted a large number of claims concerning the segregation of prisoners in Scotland, so it was important to achieve clarity on the matter as rapidly as possible.

As part of the agreement reached, after full discussion, with the Scottish Executive, an order was approved by this Parliament before the recess under section 30(2) of the Scotland Act 1998 to provide the Scottish Parliament with the competence to amend the Scotland Act to insert a one-year time bar for claims against Scottish Ministers. That was subject to the same power to extend the time limit in the interests of fairness and to any rule that might impose a shorter time limit. It was agreed that once the Scottish Parliament had amended the Scotland Act, the provisions of that legislation would be remade in UK legislation and the previous position on legislative competence would be restored to provide for a consistent approach across the United Kingdom.

When the order under section 30 of the Scotland Act was debated, there was cross-party agreement that that was a necessary measure. The views of the Calman commission were formally sought in advance, and it agreed with our approach. It should also be noted that the section 30(2) order, which was the first piece of the legislative solution, was passed unopposed in both the UK and Scottish Parliaments. Emergency legislation was passed in the Scottish Parliament, but it did not receive Royal Assent until 23 July, after the Bill had been introduced. It therefore was not possible to include provision for Scotland on the Bill's introduction.

New clause 43 imports the provision made in the Act of the Scottish Parliament, which inserted a one-year time limit to convention-based claims brought against Scottish Ministers under the Scotland Act. It also extends that provision to such claims brought anywhere in the United Kingdom, ensuring that the protection afforded in all three clauses is United Kingdom-wide. As in the amended clauses 33 and 34, the time limit is subject to a power available to the courts to extend it on equitable grounds, and it is subject to any rule imposing a stricter time limit in the proceedings in question. As in clauses 33 and 34, the Scottish amendment provides that that "rule" should have the same meaning as is given to the same word in section 7(5) of the Human Rights Act.

The amendment dealing with claims against Scottish Ministers will, in line with the terms of the agreement made with Scottish Ministers, preserve the effect of the provisions of the Act of the Scottish Parliament, but repeal that Act and the provision that gave the Scottish Parliament the power to make it, thereby restoring the previous position on legislative competence and maintaining a consistent approach across the United Kingdom.

The amendments are part of an important package of measures to bring actions against the devolved Administrations under the devolution Acts broadly in

line with the time limit set out in the Human Rights Act. I hope therefore that the Committee will accept amendments 90 and 91 and new clause 43.

Pete Wishart (Perth and North Perthshire) (SNP): I support Government new clause 43 and hope that this is the end of a protracted and difficult saga for Scottish Ministers in respect of human rights legislation.

The Minister's account of the history of the saga is right: it is based on the House of Lords judgment back in 2007, commonly referred to as the Somerville case, which meant that there was no one-year time bar for human rights claims against Scottish Ministers under the Scotland Act. The judgment resulted in a number of claims for compensation and legal fees against Scottish Ministers, who were frustrated that they could not legislate to reverse the position, given that the Scotland Act was reserved to this House.

The Scottish public faced the prospect of millions upon millions of pounds going into the pockets of Scottish criminals and convicts instead of into front-line services and improving the Scottish prison stock. The judgment would probably have meant that 20,000 prisoners previously thought to have been time-barred would have been eligible to claim under the anomaly. Therefore, it was important to put the matter right.

Unfortunately, progress was not as speedy as the Minister suggests: it took many lengthy negotiations and protracted conversations before we got to the happy stage where we could get the legislation through. The Minister is again right that an order was passed in the House that allowed the Scottish Parliament to legislate on the Scotland Act. As soon as that was decreed, the Scottish Parliament moved quickly to enact emergency legislation.

Mr. David Heath (Somerton and Frome) (LD): The order passed in this House enabled the Scottish Parliament to pass amendments to the Scotland Act to introduce a bar of one year or less. Will the hon. Gentleman advise the Committee on whether the Scottish Parliament has in fact legislated for a bar of one year, or for a bar of less than a year?

Pete Wishart: I am grateful to the hon. Gentleman for that intervention. In fact, the House passed an order through delegated legislation that allowed the Scottish Parliament, under section 100 of the Scotland Act, competence to legislate on the issue. Following that, the Scottish Parliament enacted emergency legislation, which amended the Scotland Act by imposing a one-year ban. As the Minister has said, on 23 July the legislation received Royal Assent as the Convention Rights Proceedings (Amendment) (Scotland) Act 2009. Under the Act, the one-year time limit will apply to all proceedings raised on or after 2 November this year. The amendment supersedes all current legislation passed by both the House of Commons and the Scottish Parliament, and it has parity across the United Kingdom.

I also welcome the other Government amendments, which will introduce parity across all the devolved institutions throughout the United Kingdom. My only hope is that, now that we have reached the happy stage at which everything seems to have been resolved, we shall see an end to this whole sorry saga.

Mr. Wills: Does the hon. Gentleman recognise that this is an immensely complex legal issue? Does he also recognise that both sides, the Scottish Government and Whitehall, have gone to great trouble to try to reach a consensus? These things are not always quick and easy, but we have moved with all due speed.

May I remind the hon. Gentleman that all Executives are sometimes subject to delays? As I speak, we have still not received from the Scottish Government a crucial document—the legislative consent motion—which we have been expecting. Does the hon. Gentleman accept that delays on all sides are inevitable in this process?

Pete Wishart: Perhaps I have been a little less generous than I should have been. Of course I understand that a protracted process has been necessary to take us to our present position. Nevertheless, this has been going on since devolution started back in 1999. It has been going on for a long, long time, and it is not beyond the realms of possibility to suggest that things might have been done a little more quickly.

We accept that there are problems with the legislative consent motion, but I know that my colleagues in the Scottish Government are trying to deal with them. Perhaps, again, I have been a little unfair to the Minister. I think that we are all grateful for the fact that the matter has now been resolved, and I am aware of his involvement in its resolution. I know that there have been lengthy, fruitful and productive discussions with our Scottish Government colleagues. I am glad that, regardless of the history, the background and the pain and grief that have been suffered, we have reached the happy stage at which a solution has been found, and in that respect I am happy with the amendment.

Mr. Heath: I do not intend to oppose the amendments and new clause. I entirely understand the route by which they have been arrived at. It is good news that, albeit following a bit of delay, an agreement has been reached between the Scottish Parliament and the Government in fairly short order. However, I want to enter a few words of caution.

The decision of the House of Lords in Somerville etc. *v.* Scottish Ministers correctly stated that there were two alternative statutory routes for the vindication of convention rights in Scotland, the Human Rights Act and the Scotland Act, and that there was a discrepancy between the two. That discrepancy has now been dealt with.

My first concern is whether there may yet be any challenge to the compatibility of the new provision in the Scotland Act with convention rights. I suspect that there will not be, but it is a possibility none the less. My second concern is that the arguments that may have been used to add weight to the claim for compatibility between the two statutory routes are based on some fairly crude assessments of the potential liability under human rights legislation in respect of prisons in Scotland. I do not believe that the liability that was described was a real liability, and it worries me that far too often criticism of human rights legislation is couched in terms of the claims that might be made rather than the outcome of cases that are actually heard. There is, I think, an important distinction between the two.

Mr. Wills: The hon. Gentleman has made an extremely important point about human rights legislation. I agree that we must be very careful about demonising the impact and consequences of such legislation. The facts

[Mr. Wills]

are often entirely different from the way in which they are portrayed in the media, and I am grateful to the hon. Gentleman for drawing that to our attention. The mischief in this case, however, was caused not so much by the size of the potential liability as by its uncertainty. All Administrations need certainty and clarity. If there is a mischief in regard to which people have a legitimate claim against the state, it is important for that mischief to be identified and dealt with as quickly as possible, rather than being left uncertain for long periods. The Human Rights Act provides a clearly specified time limit, as indeed does judicial review. Those times are relatively short in comparison with the apparently lengthy processes that were opened up by Somerville.

I am grateful to the hon. Gentleman, who has made a valuable point.

Mr. Heath: And I am grateful to the Minister for his intervention. Such arguments often go without adequate rebuttal, but those of us with an interest in ensuring that human rights are properly upheld in this country believe that there is a huge mythology that it right for us occasionally to address and, where appropriate, argue against. Having looked at some of publicity surrounding the case and some of the claims made in support of the need for compatibility, I am not sure whether I entirely recognise the contingencies being described. Perhaps I should be more explicit. I am concerned about whether the retrospectivity in the new arrangements will find favour if challenged under human rights legislation. That aside, however, I think it sensible for there to be a clear co-ordination between the two statutory routes, and I see no reason not to support the amendments and new clause.

Mr. Nigel Dodds (Belfast, North) (DUP): I welcome the Government's approach to the introduction of time limits for human rights action against Northern Ireland, Welsh and Scottish Ministers. I will not rehearse all the arguments, but I think that this is a sensible provision, and, as the Minister will know, it has been welcomed by the Northern Ireland Executive. Although the Somerville judgment did not deal with claims under the legislation governing the devolved arrangements in Northern Ireland—or, indeed, legislation relating to Wales—the problems that arose in Scotland could arise there.

Mrs. Eleanor Laing (Epping Forest) (Con): We also welcome these provisions. I welcome the provisions already in the Bill, and I was pleased to see that, albeit belatedly, the Government had tabled the new clause. I do not blame the Minister for the delay; I appreciate what he said about the complexity of the issue, and I agree that it is not surprising that it has taken some time to present measures to deal with it.

I must tell the hon. Member for Perth and North Perthshire (Pete Wishart) once again—I am making a habit of this, and I shall have to be careful about it—that he was absolutely right in all that he said. The potential cost to the taxpayer—and the actual cost so far—of the mistake that was made in allowing an anomaly to arise have been considerable, but let us hope that that flow of taxpayers' money will now be stemmed.

I am still concerned about one thing, however. I do not know whether the Minister will be able to answer my question, and the hon. Member for Perth and North Perthshire may wish to intervene It appears that there is now a different time limit for the bringing of an action where there is potential delictual liability—or, indeed, an action in a personal injury case—to that for bringing an action under human rights legislation.

The following situation could therefore arise under the terms of the Bill. Somebody who has been injured would have a right to bring a case under human rights legislation on which there would be a time limit of one year, but they would also have a right to bring a normal personal injury case or a case under the normal Scots law of delict—which is when someone has had an injury caused to them by someone else—and that would have a normal time limit of three years, or in some cases six or seven years. A person could therefore bring an action under the normal law of delict but by the time they discovered they were not going to succeed in that action it would be too late to bring an action under human rights legislation. The opposite situation could also arise: they might bring forward a human rights case and then discover that they had run out of time under the normal law of delict or personal injury law. I am taking a long time to explain this in order for the Minister to have a chance to consider the matter.

Mr. Wills: I just want to see if I can set the hon. Lady's mind at rest on this. This measure affects all convention-based claims, not other claims; the Scottish law of delict, for example, is a matter for Scots law. This relates to convention-based claims, which is why this House is dealing with it; it is a matter of UK law and our compatibility with the convention.

Mrs. Laing: I thank the Minister for that answer, which is perfectly in order, and I appreciate that that is as far as he can go in discussing this Bill and his responsibilities. I am merely putting down a marker that there could be a further anomaly here which somebody somewhere within the Scottish or UK Governments might wish to look at before an injustice occurs as a result of it—let me put it no more strongly than that. I am glad that the Minister has taken the point on board, and I am sure his colleagues will look into it. As the Minister has said, this matter is complex and addressing it has taken quite some time, and I do not blame him for that. Not for the first time, however, these mistakes and injustices have arisen because of the way in which devolution has been implemented and as a result of matters not having been properly thought through in advance.

Mr. Wills: I do not wish to interrupt the hon. Lady in the middle of her flow, but she is straying into very dangerous territory and I want to help her protect herself from herself. May I remind her that this came about as a result of a judgment in the House of Lords? Courts sometimes interpret laws in ways that parliamentarians wish they had not, but that is a crucial part of the separation of powers in this country. It is a crucial protection for the people of this country that sometimes courts take decisions that are awkward or difficult for Governments and politicians of all classes, and when they do so, we have to respond, which is precisely what we are doing. This is not a result of a flaw in the legislation; it is a result of an interpretation of the courts. This happens, and it will go on happening regardless of what the hon. Lady may think.

Mrs. Laing: I am grateful for the Minister's protection, and I fully appreciate, and agree with, what he says about decisions taken by the courts as, of course, I also support the doctrine of the separation of powers. Let me explain what is of concern to me, however. I acknowledge that the Minister had nothing to do with the discussions a decade ago on the legislation that became the Scotland Act 1998 and other devolution measures, but those of us who were sitting on the Conservative Benches warned time and again that these anomalies would arise. In this case, it has cost the taxpayer several million pounds. Let us hope that further anomalies do not arise as a result of devolution not having been properly thought through in these areas. We warned about this a decade ago, and I am still warning now.

1.45 pm

Pete Wishart: The hon. Lady was articulating a powerful point before she was interrupted in full flow by the Minister. She is entirely correct that this is all to do with an anomaly. The Somerville case was successful because it identified that anomaly and was able to progress and make a case on the basis of flawed work in respect of the Scotland Act. Like me, the hon. Lady spends many hours in Delegated Legislation Committees trying to clear up some of the mess caused by that Act, so it is disingenuous to try to suggest that it was a perfect document.

Mrs. Laing: I thank the hon. Gentleman for agreeing with my point. Like me, he spends many hours in Delegated Legislation Committees correcting the anomalies of the devolution legislation, and I and many of my colleagues—and many of his colleagues, and also many of the Minister's colleagues—spent weeks and months in this Chamber raising these matters when we dealt with the Scotland Act. I am merely saying that we were right then and the Government were too complacent.

Mr. Wills: I shall be brief, as I do not want to protract proceedings unduly. I am sure the whole House has noted that a curious alliance and amity is developing between the two parties that opposed devolution, and that did so for completely different reasons, in reliving those old arguments. Most of the people of the United Kingdom, including most of the people in Scotland, think devolution has been a great success. It is just worth the hon. Lady and the hon. Member for Perth and North Perthshire reflecting on the fact that the House of Lords decided on Somerville by the narrowest of majorities—by three to two. Therefore, the suggestion that this was somehow inherent in the legislation is manifestly nonsense.

Mrs. Laing: The Minister shows great faith in his Government, but neither the hon. Member for Perth and North Perthshire nor I share it. The Minister is right that there is an alliance of sorts: it is an alliance of those who care about the Scottish legal system and the protection of Scots law and its principles. I have not said anything different from what I said when we discussed these matters and the Scotland Act was passed a decade ago; I have not changed my position at all. I have always argued that the United Kingdom can work perfectly well and properly with different legal systems, as it has done for centuries.

I declare an interest: I am a Scots lawyer by profession. Because of that and the fact that I am also conversant in the practice of English law, I have always argued that it is perfectly possible to have a United Kingdom that functions properly for all its citizens throughout our entire country under different legal systems—indeed, as the Minister has said, under a devolved system, which we now have and which we all want to work properly. In order for it to work properly, however, it is incumbent on the Government to consider the pitfalls that might lie ahead and to consider possible anomalies that might arise, and to protect the legal system, the people, the principles of justice and, indeed, the taxpayer from the consequences of those anomalies.

I appreciate that the Minister has today brought forward the right legislation to do that. I still agree with the hon. Member for Perth and North Perthshire that it is unfortunate that it has taken so long, but at least we have it today and we welcome it.

Amendment 90 agreed to.

Clause 33, as amended, ordered to stand part of the Bill.

Clause 34

TIME LIMIT FOR HUMAN RIGHTS ACTIONS AGAINST WELSH MINISTERS ETC

Amendment made: 91, page 17, line 12, leave out lines 12 to 14 and insert—

'(3C) In subsection (3A) "rule" has the same meaning as it has in section 7(5) of the Human Rights Act 1998.".'.— *(Mr. Wills.)*

Clause 34, as amended, ordered to stand part of the Bill.

New Clause 43

TIME LIMIT FOR HUMAN RIGHTS ACTIONS AGAINST SCOTTISH MINISTERS ETC

'(1) In section 100 of the Scotland Act 1998 (c. 46) the following (as inserted by the Convention Rights Proceedings (Amendment) (Scotland) Act 2009 (asp 11)) are omitted—

(a) subsections (3A) to (3E);

(b) in subsection (4), the words "Subject to subsection (3D),".

(2) The Convention Rights Proceedings (Amendment) (Scotland) Act 2009 (asp 11) is repealed.

(3) Omit paragraph 4A of Schedule 4 to the Scotland Act 1998 (c. 46).

(4) The Scotland Act 1998 (Modification of Schedule 4) Order 2009 is revoked.

(5) Subsections (1) to (4) above do not apply to any proceedings brought before this section comes into force.

(6) After subsection (3) of section 100 of the Scotland Act 1998 (c. 46) insert—

"(3A) Subsection (3B) applies to any proceedings brought by virtue of this Act against the Scottish Ministers or a member of the Scottish Executive in a court or tribunal on the ground that an act of the Scottish Ministers or a member of the Scottish Executive is incompatible with the Convention rights.

(3B) Proceedings to which this subsection applies must be brought before the end of—

(a) the period of one year beginning with the date on which the act complained of took place, or

(b) such longer period as the court or tribunal considers equitable having regard to all the circumstances,

but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.

(3C) Subsection (3B) does not apply to proceedings brought by the Lord Advocate, the Advocate General, the Attorney General, the Attorney General for Northern Ireland or the Advocate General for Northern Ireland.

(3D) In subsections (3A) and (3B) "act" does not include the making of any legislation but it does include any other act or failure to act (including a failure to make legislation).

(3E) In subsection (3B) "rule" has the same meaning as it has in section 7(5) of the Human Rights Act 1998."

(7) In subsection (4) of that section at the beginning insert "Subject to subsection (3D),".

(8) Subsections (6) and (7) above apply to any proceedings brought after this section comes into force (including proceedings in respect of an act taking place before this section comes into force).".— *(Mr. Wills.)*

Brought up, read the First and Second time, and added to the Bill.

Clause 35

JUDICIAL APPOINTMENTS ETC

Question proposed, That the clause stand part of the Bill.

Mr. David Heath (Somerton and Frome) (LD): I wish to ask the Minister exactly what the words "pared down" mean. That was the Government's description of what they have done to the proposals included in the draft Bill in this respect. In this instance, "pared down" appears to mean omitted in their entirety, rather than anything that could satisfactorily be described using that term. I am curious to learn exactly why the Government have thought again.

In 2007, a clear commitment was given that the Government would surrender some Executive power, and judicial appointments was one of the 12 areas explicitly mentioned. The 2008 draft Bill made some explicit proposals in this area: it proposed that the Lord Chancellor's role be reduced by removing his power to reject or require reconsideration of selections made by the Judicial Appointments Commission for all judicial offices below the High Court; it proposed to remove the requirements for the Lord Chief Justice to consult the Lord Chancellor or obtain his agreement before exercising functions such as deploying judiciary to certain leadership posts; it proposed to place new duties on the Lord Chancellor, the Lord Chief Justice, the JAC and the selection panels to ensure that selection processes are fair, transparent, efficient, flexible, proportionate and effective and to have regard to the JAC's need to act independently; and it proposed to place new duties on the Lord Chancellor and the Lord Chief Justice to encourage diversity in judicial appointments.

The only thing that has remained from that list is the removal of the Prime Minister from the process, but as I suspect the Prime Minister has never actively intervened in this process, other than on the express advice of the Lord Chancellor, that is, in effect, a cosmetic change. The only argument that I could advance that the Government may have for dropping these changes is the opposition from the Joint Committee on the Draft Constitutional Renewal Bill, which expressed a view that to introduce reforms at this stage might create an imbalance in the proposals contained in the Constitutional Reform Act 2005.

That might be an argument, were it not for the fact that the Government have already rejected the Joint Committee's views. The Government response to the Committee's report clearly stated that they do

"not accept the overall view of the Committee".

However, the response also stated that the Government

"remains committed to nearly all the proposals seen by the Joint Committee".

That commitment seems to have lasted barely a year before this paring down, which is, in effect, the removal of most of the changes to the Executive power of the Government in this area of judicial appointments. I simply seek an explanation from the Government as to why they have changed their view. Why have they decided not to proceed with that which they promised?

Mr. Wills: I will come to the burden of what the hon. Gentleman has been saying, but it may help the Committee if I briefly set out the purpose of this clause and, if I may, discuss the substance of it, which is schedule 5.

The Second Deputy Chairman: Order. The Minister is correct. The hon. Member for Somerton and Frome (Mr. Heath) was moving his discussion from the clause into the schedule. As long as we all understand that we are discussing the two things at the same time, that is fine.

Mr. Wills: Thank you very much, Sir Michael. If the hon. Member for Somerton and Frome wants to ask individual questions on schedule 5, I hope that he will intervene on me as we go.

Mr. Heath: I just want to be clear, Sir Michael, whether we are dealing with schedule 5 stand part at the same time, in which case I have one other point to make. I am in your hands, Sir.

The Second Deputy Chairman: It was the hon. Gentleman who led us astray in the first place by moving his discussion from the clause into the schedule. He could deal with any other points he has to make through interventions on the Minister, but in fact we are dealing with the two things together, if he is happy with that.

Mr. Wills *rose—*

Mr. Heath *rose—*

The Second Deputy Chairman: Order. Perhaps the hon. Gentleman could make the final point that he wishes to make and the Minister could reply after that.

Mr. Heath: Thank you for getting us out of a procedural conundrum in respect of exactly who should be speaking, Sir Michael. The point that I wish to raise on schedule 5—this may assist the Minister in collecting his thoughts—relates to the Government's response on the order-making power to exempt positions from the JAC's remit. In response to the Joint Committee's report, the Government said:

"The Government remains convinced that the most appropriate way to resolve this issue is an order making power".

but they went on to say that the Government

"no longer believes this Bill is the appropriate vehicle for such a change, and in the meantime will explore further non-statutory options available."

I would like to know precisely what that means. What are those "non-statutory options" that the Minister is exploring? When does he expect to bring forward more detailed proposals? What will they encompass?

Schedule 5 removes magistrates from the JAC's remit by deleting them from schedule 14 to the 2005 Act. Presumably there is a good reason for that. The 2008 draft Bill also proposed an extremely broad order-making power allowing the Lord Chancellor to amend any part of schedule 14 to the 2005 Act to exempt candidates to certain offices from being selected by the JAC. I think that procedure was intended to allow redeployment, rather than appointment, and to facilitate matters within the field of judicial appointments. It would have been a sweeping power and, as such, it was not entirely surprising that it met with opposition from the JAC itself, the Lord Chief Justice, the House of Lords Constitution Committee and the Joint Committee. Although that proposal has now been dropped, we face the threat or promise of arriving at the same result by alternative means. We are entitled to know from the Minister exactly what those alternative means are and what the Government's intention is.

Mr. Wills: As has been discussed, clause 35 gives effect to schedule 5, which makes amendments relating to judicial appointments and other matters. I hope that my brief run through what the schedule contains will help the Committee in deciding on this matter.

What the Government have sought to do throughout their constitutional reform agenda is to recalibrate to ensure that we have the right relationships between the citizen, the Executive, the legislature—Parliament—and the judiciary. So, for example, the founding of a Supreme Court was a profound constitutional change, which symbolises and entrenches legally, the separation of powers between the state and the judiciary. However, there are also smaller steps that we must take to achieve the goals of this reform programme, and although they are smaller, they are not necessarily nugatory.

Clause 35, and the provisions in schedule 5, to which it gives effect, both help to limit the role of the Executive and reinforce the independence of the judiciary. They also make a number of other minor changes to streamline the judicial appointments process. The Government remain committed to nearly all the proposals seen by the Joint Committee on the draft Constitutional Renewal Bill and we will continue to review and develop them separately from the forthcoming Bill, along with its judicial partners.

2 pm

Mr. Edward Timpson (Crewe and Nantwich) (Con): The Minister has mentioned that some minor amendments to this Bill are being proposed to try to streamline the judicial appointments process. Can he tell the Committee what assessment is being made of the effect that these streamlining measures will have on attempts to reduce the unfortunate delay that there still is in the appointment of judges, which is causing such problems in our court system?

Mr. Wills: I am happy to set out our thinking. It would give me a little more help in addressing the hon. Gentleman's particular concerns if he could be a little more specific about the problems to which he is referring. If he could list them, I will be happy to address them.

Mr. Timpson: As the Minister might recall, this was an issue that I raised with the Lord Chancellor on Second Reading. I have in fact written to him to set out specific examples of where there are some holes in the number of judges in certain circuits across the country. Clause 35 and schedule 5 will, on the face of it, reduce the time that the medical assessment of a potential candidate will take, but they do not set out in any practical terms how that will affect the time from application to appointment. Can the Minister give us some idea of how much of an effect that process will have?

Mr. Wills: I am grateful to the hon. Gentleman and if he will bear with me, I shall come to that point as I proceed through all the advantages of the schedule. Obviously, if he has written to the Lord Chancellor, I am sure that he will receive a full and completely adequate reply in a timely fashion.

Paragraphs 2, 3, 4 and 9 of schedule 5 remove the Prime Minister from the appointment process of the president, deputy president and judges of the Supreme Court. Paragraph 2 amends section 26 of the Constitutional Reform Act 2005, with the effect that when presented with a candidate chosen by a selection commission recommendations for appointment will now be made by the Lord Chancellor instead of by the Prime Minister. Instead of notifying a selection to the Prime Minister, the Lord Chancellor is to make a recommendation for appointment. Paragraphs 3, 4 and 9 make various consequential amendments to the 2005 Act.

Although we accept that the Executive need to retain a limited role in the appointment of the justices of the Supreme Court, so that there is a direct line of accountability to Parliament for such appointments, the Government believe that, as with all other judicial appointments, the Lord Chancellor has the necessary authority to fulfil this role. Involving the Prime Minister in addition to the Lord Chancellor at a point twice removed from the work done by the independent selection commission that is convened to recommend appointments to the Lord Chancellor in the first place only serves to perpetuate an erroneous perception that the appointment process is not as independent from the Executive as it should be. For that reason, the Government believe that even though the Prime Minister's role in recommending the final nomination to the Queen is a limited one, removing that role is very much in line with the Government's long-standing reform agenda of reducing the role of the Executive, where appropriate, wherever possible.

Paragraphs 5 and 6 of the schedule transfer responsibility for obtaining medical assessments of selected candidates for judicial office from the Judicial Appointments Commission to the Lord Chancellor. That is supported by the commission because it sees the process of medical assessment as part of the final appointment process, rather than the initial selection process. In addition, there was consensus in consultation that this aspect of the appointment process should be quicker—and so there is general agreement with the burden of the appraisal made by the hon. Member for Crewe and Nantwich (Mr. Timpson), which is that it has taken too long.

Mr. Timpson *indicated assent.*

Mr. Wills: The hon. Gentleman is nodding. There is general agreement that this needs to be quicker, and the proposal helps to streamline the process by reinforcing an administrative move to a system of self-certification

[Mr. Wills]

rather than a medical assessment by a doctor in every case—only in those cases where the self-certification reveals a cause for concern will candidates be asked to undergo a medical assessment. The proposal should speed up and streamline the process. No systems are perfect and obviously if further problems remain, we will address them. I hope that provides some reassurance to the hon. Gentleman.

The Joint Committee was in favour of the proposal, but questioned whether it could be achieved without the need for legislation. The Government view is that legislation is needed to provide absolute clarity. Sections 96 and 97 of the 2005 Act provide for medical assessments of those who have been selected for appointments to be conducted by the Judicial Appointments Commission. Paragraph 5 of the schedule makes amendments to the provisions in section 96 of that Act relating to medical assessments. Sub-paragraph (3) adds new subsections (2A) and (2B) to section 96 to enable the Lord Chancellor to request a person who has been selected for appointment by the Judicial Appointments Commission to provide information about his or her physical or mental condition. The Lord Chancellor may specify a period in which the information has to be supplied.

Sub-paragraph (4) amends section 96(3). The amendment made to that section provides that the Lord Chancellor may also request a candidate to undergo a medical assessment and for a report of that assessment to be made available to the Lord Chancellor. The provisions replace section 96(3) under which the Lord Chancellor may direct the Judicial Appointments Commission to make arrangements for any assessment of the health of those who have been selected for appointment.

Sub-paragraph (5) modifies section 94(4) and sub-paragraph (6) inserts new subsections (4A) and (4B). These provide that the Lord Chancellor may, after consultation with the Lord Chief Justice, notify the Judicial Appointments Commission that he or she is not proceeding with an appointment if the circumstances specified in new subsection (4A) apply. These circumstances are if the candidate does not comply with a request to provide information under the new subsection (2B) or to undergo a medical assessment under proposed new subsection (3)(a), or if the Lord Chancellor is not satisfied on the basis of a medical report under proposed new subsection (3)(b) that it would be appropriate to proceed with the appointment.

Sub-paragraph (7) amends section 96(5) to make it clear that if a candidate is rejected, any other selection for the same appointment or recommendation is to be disregarded and that the candidate must not be selected again pursuant to that request for the same appointment or recommendation. Sub-paragraphs 8 and 9 are transitional provisions that ensure that the new procedures apply only to requests to undergo medical assessments made after the relevant provisions of the Bill have come into force.

Paragraph 6 is a consequential amendment in relation to Scotland and Northern Ireland. It ensures that where reference was made in section 97(1)(e) to the duty to consult the relevant head of judiciary under section 96(4)(a), the reference in section 97(1)(e) now refers to the duty to consult the relevant head of judiciary set out in section 96(4B).

Paragraphs 7 and 10 provide for the removal of magistrates from schedule 14 to the 2005 Act. Schedule 14 to that Act lists the offices that comprise the statutory recruitment and selection remit of the Judicial Appointments Commission. Magistrates were included in schedule 14 under the title of justices of the peace as it was originally intended that recruiting and selecting for the role should be a part of the Judicial Appointments Commission's remit.

The current system has the considerable advantage of providing invaluable local input into the process of recruiting and selecting local people to deliver local justice. Advisory committees are composed of local magistrates and at least one third of local lay persons. This helps to ensure that the recruitment and selection of magistrates is firmly grounded in the communities in which they serve. I hope that the whole House will agree that that is a desirable outcome. Agreement has been reached between the Lord Chancellor, the Judicial Appointments Commission, the Lord Chief Justice and the Magistrates' Association that the Judicial Appointments Commission will not in future take responsibility for the recruitment and selection of magistrates.

Paragraph 10 of schedule 5 to the Bill removes magistrates from schedule 14 of the 2005 Act. The recruitment and selection function will therefore remain for the foreseeable future with local advisory committees, where it is performed effectively and with a high degree of independence by dedicated volunteers drawn from among magistrates and members of the local community.

Paragraph 7 of schedule 5 amends section 118 of the 2005 Act to ensure that even though magistrates have been removed from schedule 14, they will remain within the scope of the disciplinary powers exercised by the Lord Chief Justice and the Lord Chancellor. This could have been done by making an order under section 118, but in this instance the Government feel that primary legislation is the most efficient way to make the necessary changes. It most closely reflects the current arrangements, under which the disciplinary scheme applies to magistrates by means of primary legislation.

Paragraph 8 of schedule 5 clarifies that confidential information obtained during the appointment or disciplinary process can be shared with the police for specified purposes relating to the prevention or investigation of crime, including for the purposes of criminal proceedings. Current sections of the Constitutional Reform Act 2005 covering the disclosure of confidential information do not explicitly allow such information to be provided. We do not consider the proposal to be controversial: it is considered that any indication that a criminal offence had been committed could be disclosed to the police without the need for an explicit gateway, but without a legislative change the Ministry of Justice could be left open to the possibility of litigation that would be costly in terms of both time and money. We therefore want to make it completely clear that confidential information could be disclosed to the police.

We are confident that sharing confidential information for the purpose of preventing a crime, or for the purposes of a criminal investigation or procedures, will be compatible with the principles of data protection. The Data Protection Act does not stand in the way of such disclosures, so they would either be compatible with data protection principles or fall under the exemption to the Act that relates to the prevention or detection of crime, or the apprehension or prosecution of offenders.

The proposal was raised in the White Paper, welcomed by the Joint Committee, and also supported by the JAC. It will bring the judicial appointments process into line with the process in other organisations.

Paragraph 1 of schedule 5 corrects a typographical error. I was perhaps harsh with the hon. Members for Perth and North Perthshire (Pete Wishart) and for Epping Forest (Mrs. Laing) for alleging that the Government had allowed an anomaly to creep into the devolution legislation. They were wrong about that, but I hold my hand up to the typographical error.

The error came about because the original section 21(4) was substituted by the Constitutional Reform Act 2005, which also inserted section 21(4A). The amendments came into force on 3 April 2006, and this has been the first legislative opportunity to correct the error. The correction is uncontroversial and has no adverse impact, but I apologise to the Committee for the fact that it was allowed to creep in in the way that it did.

I turn now to the question asked by the hon. Member for Somerton and Frome (Mr. Heath) about why we dropped certain provisions. We did not drop them: the way that I would phrase it—and I hope that he will agree that this is an accurate reflection of what happened—is that we listened. We consulted extensively on this Bill, and we listened carefully to what hon. Members, the Joint Committee and other people said.

We took to heart what the Joint Committee said about making changes to a process that in effect has been in operation for only a short period. We remain committed to nearly all the proposals put to the Joint Committee, but we take the point that it might be sensible to allow the changes already in place to bed down before we decide exactly how to take them forward.

We will continue to develop the entire judicial appointments process in partnership with our judicial partners separately from the Bill. We recognise that there is more work to do, and I think that the judiciary agree. We do not regard this as a closed chapter, but merely as an onward step in the process.

Mr. Heath: I think that we can take it from what the Minister has said that, when the Government told the Joint Committee that they did not accept the recommendation, what they meant was that they did accept it and that they would remove the promises to remove certain areas of judicial appointments from Executive control. Are those promises are now shelved sine die, or does he have firm proposals to bring them back at an early date?

Mr. Wills: I think that the hon. Gentleman is using the very wide margin of appreciation afforded to Opposition Members to interpret what I said. That is not what I said: I said that we listened to the concerns and agreed that the right thing to do was to allow time to see how the proposals already in place bedded down.

I also said that we are committed to nearly all the proposals originally put forward. To that extent, we do not accept the Committee's recommendation that we should not proceed with the changes. We think that they have merit, but also that we should allow more time to see precisely how we should take them forward.

2.15 pm

The promises are not postponed sine die. The Government have shown that we are serious about constitutional reform in all areas. Many people consider that we have achieved a quite revolution in bringing about a programme of constitutional reform. I am completely confident that it will stand the test of time. We will continue with the reform programme; nothing is postponed sine die.

Question put and agreed to.

Clause 35 accordingly ordered to stand part of the Bill.

Schedule 5 agreed to.

Clause 36

SALARY PROTECTION FOR MEMBERS OF TRIBUNALS

Question proposed, That the clause stand part of the Bill.

Mr. Heath: I have a couple of very brief questions about clause 36. They also relate to Government new clause 23, which is a very similar provision relating to Northern Ireland. I therefore hope, Sir Michael, that it will not disturb our proceedings too greatly if we do not repeat these questions later.

First, why have the specific offices mentioned in the clause been chosen? Do any similar offices exist for which the Government have not felt it necessary to provide this protection?

Secondly, what is the position of the lay members of tribunals? Chairmen have salaried posts, but do lay members have the same protection? I was approached over the summer by a lay member of an employment tribunal who was extremely concerned that there appeared to be arbitrary changes in what he was expected to do as a tribunal member, the conditions under which he was expected to work and the remuneration that he could expect in terms of appropriate expenses. To what extent does the protection offered to what are quasi-judicial tribunal appointments extend to the lay members who sit alongside them? Lay members provide a very important resource to the country in helping to arbitrate sometimes extremely difficult issues.

Mr. Wills: I think that it partially answers the hon. Gentleman's question if I say that we are seeking to correct a legislative anomaly. Every hon. Member agrees with the principle that we should have an independent judiciary in this country, and that that independence should be robustly protected in all ways.

We have talked about the appointments process, in which we are trying to entrench that fundamental principle of independence. Another crucial aspect of judicial independence is salary protection for judicial office holders, and that is what clause 36 is designed to advance. There is a legislative anomaly, and we are trying to remedy it by providing a statutory prohibition preventing the Secretary of State or the Lord Chancellor from determining reductions in the salaries of judicial office holders in tribunal services.

The hon. Member for Somerton and Frome (Mr. Heath) asked why only these members of the judiciary are mentioned in the clause, and the answer is that most other judicial office holders are already protected in primary legislation from the Executive determining reductions in their salaries. That statutory salary protection is widely regarded as an important safeguard of judicial independence against Executive interference, but currently there are no equivalent provisions for tribunal judges.

[Mr. Wills]

This change is designed to harmonise the statutory safeguards of judicial independence across the judiciary, and it was welcomed by the Joint Committee.

Lay members of tribunals will not have the same protection, precisely because of the principle of judicial independence. Lay members do valuable and crucial work, but none the less they are not part of the judiciary in quite the same way.

It might be worth informing the Committee that there are a relatively small number of judicial office holders who will still not receive salary protection in the way set out in clause 36. The judge advocate general and the deputy and assistant judge advocates general are not covered by primary legislation because they fall outside the mainstream judiciary.

I hope the Committee will feel able to support the clause.

Question put and agreed to.

Clause 36 accordingly ordered to stand part of the Bill.

New clause 23

SALARY PROTECTION FOR OFFICE HOLDERS IN NORTHERN IRELAND

'(1) A person's salary determined under any of the following provisions may be increased, but not reduced, by further determinations.

(2) The provisions are—

(a) section 106(1) of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.));

(b) section 12(1) of the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)) as it applies in relation to persons appointed under section 9(1) of that Act.

(3) Subsection (5) applies if, in accordance with the terms of a person's appointment, the person is to be paid a salary (as opposed to fees) under any of the following provisions.

(4) The provisions are—

(a) section 2(1) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) as it applies in relation to the remuneration of coroners (but not deputy coroners);

(b) section 70 of the Judicature (Northern Ireland) Act 1978 (c. 23);

(c) paragraph 2 of Schedule 4 to the Child Support Act 1991 (c. 48) as it applies in relation to persons appointed under section 23(1) of that Act;

(d) paragraph 7 of Schedule 2 to the Social Security Administration (Northern Ireland) Act 1992 (c. 8) as it applies in relation to persons appointed under section 50(1) of that Act.

(5) Under the provision in question the person's salary—

(a) must be determined and paid accordingly;

(b) may be increased, but not reduced, by further determinations.'.—*(Mr. Wills.)*

Brought up, and read the First time.

Mr. Wills: I beg to move, That the clause be read a Second time.

In speaking to the new clause, I hope I will address the final part of the remarks of the hon. Member for Somerton and Frome (Mr. Heath). The new clause provides a guarantee that the salaries of certain judicial office holders in Northern Ireland may not be reduced. As I said, the statutory salary protection is a crucial part of judicial independence. We have just passed clause 36, which provides it for tribunal office holders. With the inclusion of the provisions concerning England and Wales giving statutory protection for tribunal judges, we saw an opportunity to bring salary protection for the judiciary in Northern Ireland into line with that in England and Wales. That is what the new clause will do.

Mr. Dodds: I welcome the Minister's comments on new clause 23. I have a couple of brief questions. I should be grateful if he could outline the extent to which there was consultation with the Northern Ireland Court Service and others in the Northern Ireland Office on the matter, given the current debate on the devolution of justice powers in respect of Northern Ireland.

Further to the questions posed earlier by the hon. Member for Somerton and Frome (Mr. Heath), can the Minister outline what the measure will mean in relation to those judicial and tribunal officers in Northern Ireland who are not covered? There is an extensive list in new clause 23 but what about the officers not covered? Are any posts in Northern Ireland specifically related to the Province not covered by salary protection provisions?

Mr. Wills: I am grateful to the hon. Gentleman for his welcome for the new clause and for his questions. We consulted everyone appropriate in Northern Ireland, including the Court Service, so I can reassure him on that.

On the question who is covered and who is not, the provision covers the salaried judiciary in the courts as well as social security and child support commissioners, but as I think the hon. Gentleman was suggesting, there are a number of other tribunal judiciary in Northern Ireland who are not included. That is because this is a matter for the devolved Administration. As I said, we have made the relevant Departments aware of our plans to introduce these changes. It is a matter for them whether they choose to follow suit.

Question put and agreed to.

New clause 23 accordingly read a Second time, and added to the Bill.

New clause 20

LORDS JUSTICES OF APPEAL

'(1) The Constitutional Reform Act 2005 is amended as follows.

(2) Omit sections 76 to 84.'.—*(Mr. Bellingham.)*

Brought up, and read the First time.

Mr. Henry Bellingham (North-West Norfolk) (Con): I beg to move, That the clause be read a Second time.

The Second Deputy Chairman: With this it will be convenient to discuss new clause 22—*Written tests by the Judicial Appointments Commission*—

'(1) Section 88 of the Constitutional Reform Act 2005 is amended as follows.

(2) After subsection (5) insert—

"(6) At no stage during any selection procedure may the Commission apply any written tests."'.

Mr. Bellingham: I should declare an interest as a barrister. I should also point out that I am not at present seeking any judicial appointments. I did at one stage have serious ambitions to become a high-flying

QC who might go on to one of the highest judicial appointments in the land, but I suspect that what I am going to say in a few minutes will probably not endear me to the Judicial Appointments Commission.

New clause 20 removes from the scope of the JAC the appointment of Court of Appeal judges, the Lord Justices of Appeal. It does this by removing the relevant sections of the Constitutional Reform Act 2005. New clause 22 clarifies section 88 of that Act by stating clearly in the legislation that the JAC will not be able to continue with its unpopular and, I would suggest, discredited written tests.

Why are we proposing these two new clauses? We need to have a quick look at the JAC and the background to it. It was set up by section 61 of the 2005 Act. It was a completely new system and represented a significant departure from the previous system, which was based on recommendations to the Lord Chancellor. This was part of a much wider package of constitutional changes involving the position of the Lord Chancellor, the new Supreme Court, which we shall discuss later this afternoon if new clause 21 is reached, and judicial appointments in Northern Ireland. Another important part of that package of constitutional changes was the creation of the Ministry of Justice, which took over the former Department for Constitutional Affairs and took over from the Home Office responsibility for prisons and the probation service.

When the proposals were announced, they were notorious for the lack of proper consultation. There was no Green Paper and no White Paper. As I understand it, there was no consultation even with Her Majesty. There was no consultation with the judiciary, the Lord Chief Justice or the senior Law Lords. The then Lord Chancellor, the noble Lord Irvine of Lairg, was not consulted. He was told about the changes only after the decisions had been taken. He was told that, as part of the original package, his own post was to be abolished.

As the noble Lord Neuberger recently commented, all this was completely unprofessional and seemed like the product of late night whiskeys and back of an envelope calculations by the then Prime Minister, Tony Blair, and some of his sofa government cronies. He did not look carefully at what would be required in getting rid of the post of Lord Chancellor. He did not appreciate at the time that it would require primary legislation, and he did not realise that there are 5,000 references to the post of Lord Chancellor in our law.

Lord Irvine of Lairg has now broken his silence and accused the then Prime Minister of blocking his ideas, botching the reforms and humiliating him. Perhaps we should not worry too much about the latter point. He spoke about

"the chaotic, even cavalier way"

in which the business was conducted, with the then Prime Minister

"winging it on hunches, using inadequate advice"

and having

"scant regard for procedure."

It is indicative in many ways.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Is my recollection correct, and does my hon. Friend remember, that the Lord Chief Justice was told five minutes before the press release went out from No. 10? That was the extent of consultation for our most senior judge.

Mr. Bellingham: My hon. Friend is right about that. It indicates the Government's cavalier attitude to parts of the constitution that we regard as precious. They cannot look at those parts of the constitution without wanting to kick them hard.

Mr. Wills: I intervene with great hesitancy because I am interested in the word picture that he is painting of the Government. Can he tell me what all this has to do with new clause 20?

Mr. Bellingham: I am grateful to the Minister for taking over the role of the Chair. It is important to understand the background to the JAC because that is the context of the constitutional reforms.

I should now like to consider the system of judicial appointments and consider whether the old system worked, because we need to look at the previous system before we can reach a considered opinion on how the new system is working.

2.30 pm

Mr. Heald: Does my hon. Friend agree that the JAC is an important part of the patchwork of compromises and decisions that had to be made following the decision to abolish the position of Lord Chancellor? For example, there was also the concordat, a very lengthy document agreed with Lord Woolf, which had to be produced because the Government had no idea of the complexity of what they were trying to do during the ministerial reshuffle.

Mr. Bellingham: Again, my hon. Friend, who followed the issue carefully at the time, is absolutely spot-on. Indeed, many of us took the view that the JAC, which was established by the relevant sections of the Constitutional Reform Act 2005, was created on the basis that the position of Lord Chancellor would be abolished. But of course the position was not abolished, because it was discovered that, as part of the reform of our constitution, it would be almost impossible to do that without introducing a much lengthier Bill.

Jeremy Wright (Rugby and Kenilworth) (Con): Does my hon. Friend agree that this issue is part and parcel of the problem with the Government's overall approach to constitutional reform, whereby they start down a road with no clear idea of their destination? The later provisions of the Bill will show that the same thing is happening to the House of Lords as happened to judicial appointments.

Mr. Bellingham: My hon. Friend is 100 per cent. correct, because we have seen a hotchpotch of different reforms. Indeed, they were initially predicated on getting rid of the post of Lord Chancellor and moving the Law Lords out of the House of Lords and into the new Supreme Court. But, as my hon. Friend rightly points out, a decision was taken at the time without any clear idea of how the legislation would be framed, and as a consequence we are picking up different bits of it.

Did the previous system of judicial appointments work? Did it deliver an exceptionally high calibre of judges? The answer is undoubtedly yes, and the system cost virtually nothing. One issue that has been raised at the Bar for as long as I can remember is diversity, but we

[Mr. Bellingham]

are looking at it from the wrong direction in terms of judicial appointments. The key point is to look at it from the point of view of access to the professions, because if the most able and competent people, from all backgrounds, are attracted to them and do well at the Bar, for example, as solicitors or in other, linked professions, they will be appointed to the Bench and, I hope, secure judicial appointments.

At the Bar, for example, which is the part of the profession I know most about, the percentage of ethnic minority students at law school and in paid pupillages is far greater than the percentage of ethnic minorities in the population as a whole. The Bar has reached out to schools throughout the country, and explained to schools and universities what a career at the Bar is all about. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) and I virtually had to pay for our pupillages, but now one has paid pupillages.

I pay tribute to those former chairmen of the Bar Council, Geoffrey Voss and Timothy Dutton, who worked incredibly hard on ensuring that the Bar made sterling efforts to reach out to schools throughout the country, and on widening access to the Bar. That work has been continued by Desmond Browne QC, the current chairman of the Bar Council, and he has stated time and again that he is passionate about the issue and feels strongly that the Bar must ensure that access is widened as much as possible. I am sure that the Minister agrees that, on this issue, the Bar sets a glowing example. Law schools are full of overseas students, students from Commonwealth countries, Dominion countries and people who will undoubtedly go on to great success in their own countries.

I remember that when I was at law school, I had a number of fellow pupils from Commonwealth countries, and they have since gone on to high judicial appointments and, indeed, to high political office. In fact, one contemporary has even gone on to become king of a country.

Mr. Heald: Does my hon. Friend agree that one great thing about ethnic minority solicitors is that they have been able to set up small firms that cater for the interests and needs of a particular community? One damaging aspect of the Carter review has been the attempt to force all firms to conform to a particular size and way of working. It has impacted, and will impact, badly on many ethnic minority solicitors, who until now have been able to become the senior partner in a firm and move on to judicial office later. Does my hon. Friend agree that the reforms, though well intentioned, may establish a glass ceiling?

Mr. Bellingham: I am grateful to my hon. Friend for that observation, because it illustrates the Government's complete lack of joined-up thinking. They have made various changes to legal aid, and, as a result, their absolute obsession with consolidation and "big is best" will drive out of business many small firms, particularly small minority ethnic businesses in city centres. They are often the launch pad for members of the ethnic minorities to go into law. With the loss of that launch pad, those people may not go into the legal profession, and they will not be available to take up judicial appointments later.

Mr. Wills: Again, may I just say how much I am enjoying this paean of praise to equality and diversity? It is particularly bracing, coming as it does from the Conservative Front Bencher. However, will the hon. Gentleman tell me how it is relevant to the provisions that affect the Judicial Appointments Commission?

Mr. Bellingham: The Minister is obviously desperate to join the Chairmen's Panel, whereupon he will be able to control debates in that way. It is up to a Committee's Chairman to say whether I am in order, however, and it is important that we look at the background to the JAC. If we do, we will be able to see whether the clauses make sense.

The issue is also about judicial appointments and what our constituents expect from the judiciary. When our constituents appear before a court, be it a magistrates court, county court, Crown court or the High Court, above all else they want to encounter a level of expertise, wisdom, fairness and professionalism. After all, at that juncture in their lives, they may be facing the loss of their liberty, property or finances, or the removal of a child from their custody, so they are not interested in the gender, race or able-bodiedness of the judge. All they are interested in is competence, expertise, wisdom and the judge's ability to deliberate upon the case and reach the right conclusion.

Mr. Heath: I am listening intently to the preamble to the subject of the hon. Gentleman's new clauses. I understand that he has concerns about the way in which the JAC works, but why is he exclusively concerned about the way it selects Lords Justices of Appeal and not, apparently, about the way it appoints Lords Chief Justice, heads of division or puisne judges?

Mr. Bellingham: If the hon. Gentleman waits a little while, he will hear the answer, because I am about to come to it and he will be all the wiser, I hope.

Mr. Wills: The hon. Gentleman is now getting to the guts of his argument, but will he clarify something, as much for his own interest as for anyone else's? He quite rightly set out what our constituents expect when they appear in front of the judiciary. From memory, the JAC has appointed 12 Court of Appeal judges. The casual listener may think that he implies that those 12 appointments did not meet the criteria that he just set out. Would he like to clarify his view on that? Does he think that those 12 appointments meet the criteria?

Mr. Bellingham: I think that they are excellent appointments, but they could have taken place under the old system anyway without the need for this extremely costly bureaucracy.

Section 64 of the Constitutional Reform Act 2005—my hon. Friend the Member for North-East Hertfordshire spoke eloquently on it at the time—is headed, "Encouragement of diversity". It states:

> "The Commission, in performing its functions under this Part, must have regard to the need to encourage diversity in the range of persons available for selection for appointments."

It then says in subsection (2):

> "This section is subject to section 63",

which stresses that the appointment

> "must be solely on merit."

That is meaningless window-dressing and tokenism. We need to get coming into the professions, from an early stage, more people from ethnic minorities, more women, and more people who are enthused by the idea of a career in the law, either as solicitors or as barristers. We will do that by widening access to those professions. The chairman of the Bar Council feels incredibly strongly about that, as do I.

The JAC is incredibly bureaucratic, and it is growing in size. I think that its annual running costs are £8.5 million; the Minister may well correct me, as he probably has the figures directly to hand. That may not seem a vast amount of money. However, we should look at it in the context of the changes that his Department is making to the legal aid budget, or the changes being made to the family law advocacy scheme, which has caused a huge amount of anger among barristers. The initiative to introduce best-value tendering for police station work will have a significant impact on several smaller firms. Yet the savings that will be made through those changes to the legal aid budget involve sums that are sub-£10 million. That is why the £8.5 million cost of the JAC, an organisation that is doing work that cost virtually nothing before, is significant.

Mr. Wills: Can the hon. Gentleman remind the Committee of the Conservative plans to increase the legal aid budget?

Mr. Bellingham: We have no plans to increase the amount of money for the legal aid budget. That budget is £2.1 billion, and we feel that far better value for money can be got from it. We feel strongly that we need to bear down on some of the drivers of costs, particularly the very high-cost cases, and that there is ample scope for bringing in new money to the legal aid budget from outside the MOJ. If the Minister is saying that he expects me to make a pledge to increase that expenditure, he knows the answer to that, unfortunately, as well as I do: whoever wins the next election, the Treasury will say that there will be no increase to that £2.1 billion. I hope that when the economy improves there will be more money for legal aid, because the legal aid budget is a vital part of the welfare state. Access to justice is something that all Conservative Members feel strongly about.

Jeremy Wright: In the context that my hon. Friend is correctly describing, is it not all the more important to ensure that money already being spent within the legal system is being spent wisely, which is why we are interested in the specific workings of the JAC?

Mr. Bellingham: If my hon. Friend asked me, "Is the JAC working?", I would say that it is not doing a bad job. However, we should put our hands on our hearts and think to ourselves that this is a time when this country's public finances are in an horrendously vulnerable state. The country will probably be spending about 10 per cent. of gross domestic product on the interest on our national debt. Bearing in mind that the figure in 1976, when the then Chancellor went off to the IMF, was 9.5 per cent., we are moving into Argentine or Guatemalan territory. That is why we must look at every single item of expenditure and ask ourselves, "Is this organisation doing a good job?" The answer is that it is not doing a bad job. If we ask, "Is it necessary? Was the previous system inadequate and not delivering?", the answer is that it certainly was delivering. That is why we must look at how much money it costs.

Going back to the point made by my hon. Friend the Member for Crewe and Nantwich (Mr. Timpson), one of the problems with the JAC is that because it is so bureaucratic, incredibly cumbersome, very costly and an empire that is growing the whole time, it is moving very slowly. I have heard similar stories to him about judicial appointments that are not being filled. The JAC is not conducting its affairs as efficiently as it should be. The competitions for different types of judicial appointment are not being run as speedily or efficiently as they should be. I have been round several combined courts over the past year or so, and I have had compelling stories put to me by presiding judges who are concerned about the speed at which these appointments are being made and the impact that that is having on their ability to conduct justice and to deliver the services that Ministers rightly expect presiding judges to deliver in their combined courts. The JAC must look into that.

2.45 pm

We realise that the JAC cannot be changed overnight, and if we win the next election we are not going to take an axe to it. However, we could certainly make some important initial changes and thereby reduce its cost and make it more efficient and streamlined. The Minister talked about these constitutional reforms having to be more streamlined. Well, we have a good idea in our new clause; let us see the Government support it.

Why do we want to put new clause 20 on to the statute book? The answer is simple. Sections 76 to 84 of the Constitutional Reform Act 2005, which relate to the appointment of Lord Justices of Appeal, are unbelievably cumbersome and bureaucratic. Section 78(1) states:

> "The Lord Chancellor may make a request to the Commission for a person to be selected for a recommendation for appointment as a Lord Justice of Appeal."

Subsection (2) says that the Lord Chancellor

> "must consult the Lord Chief Justice";

of course, he would have done that anyway. Section 79 states that

> "the Commission must appoint a selection panel"

and says what the panel must do. It goes on to say that the

> "selection panel is a committee of the Commission".

Section 80 states that the "first member" of the panel

> "is the Lord Chief Justice"—

well, he would have been anyway—"or his nominee." Under section 81, the selection panel has to report and

> "state who has been selected".

For goodness' sake, it would have done that anyway; it does not have to be specified in legislation. The report must

> "contain any other information required by the Lord Chancellor."

Section 82 gives a number of options for the Lord Chancellor. That system is incredibly bureaucratic, ridiculously prescriptive, absurdly cumbersome, and very expensive. It requires a number of bureaucrats who are putting together a huge amount of paperwork, looking at that legislation and having to pinpoint each particular subsection.

Let me return to the Minister's point about the appointment of Lord Justices of Appeal. I agree that they are excellent appointments, but they probably would have been made under the old system anyway. The key point is that all those appointments to the Court of Appeal came from the High Court. I may be wrong about that; if so perhaps the Minister will correct me. Any High Court judge or senior judge is, in any event, going to be someone who has gone through a major threshold in terms of his qualifying period in his career, and there will have been intense oversight and analysis of how he has done on the High Court bench. Of course, from time to time those High Court judges will make judgments that are taken to the Court of Appeal. So who better to analyse and assess the ability of those High Court judges as a possible Court of Appeal judge than the Court of Appeal judges who, time and again, are sitting in judgment, on appeal, on the judgments made by the High Court judges? We do not need a bureaucratic system of appointments under the JAC to appoint this particular type of judge. I put it to the Minister that for the sake of obsession with the new process and with constitutional reforms, a cumbersome operation is being put in place that is costing a great deal and is totally unnecessary.

Mr. Timpson: Does my hon. Friend agree that the Minister should welcome new clauses 20 and 22, as they would contribute to his stated aim of bringing about the maintenance of good-quality, high-calibre candidates for the bench? They would provide a system that does not have in-built delay, is efficient and brings candidates as good as those that we have had in the past without unnecessary costs. In the process, they would ensure that more judges are sitting in the courts, hearing more cases, and they would therefore reduce the cost of the courts system. We could then use that money to ensure that we continue the process of increasing access to justice for all those people who are currently denied it.

Mr. Bellingham: I thank my hon. Friend, who until his spectacular by-election victory was active in the courts day in, day out, as a family law barrister, appearing before judges at different levels of the judiciary and developing an in-depth understanding of what was going on. He is far better qualified than me, and probably than the Minister, to tell the Committee what is happening.

I have a letter from a well known judge, who will, of course, remain nameless. After we had a discussion the other day, he wrote to me:

"There is an arrogance about the JAC which refuses to recognise that the persons most able to judge are those before whom the applicant appears on a regular basis. Instead the task is assigned to persons who have no experience whatsoever of this work. No private company would tolerate such a procedure."

He is right, because the people who are best able to assess the ability of applicants to the Court of Appeal are the judges before whom their decisions and judgments are assessed and appealed against. They know very well the ability of the applicants, and they are best placed to advise the Lord Chancellor. New clause 20 represents a small step, and as part of our reforms of the JAC, we will consider a number of ideas, but it is an important first step to remove judges in the Court of Appeal from the JAC's scope. I urge Ministers and other Members to support that modest proposal and thus reduce the costs of that body. We have ideas for the future, but this is a modest first step forward.

New clause 22 is about written tests. I shall explain for hon. Members who may not know what they are that very often someone applying for a judicial appointment, particularly a more minor one such as that of recorder, district judge or county court judge, is asked to take a written test. Those tests are extremely unpopular and incredibly controversial, and they are very public.

In the past, top QCs, leading solicitors and academics—and patent or trademark attorneys, whom we should not overlook because they can now qualify for judicial appointments—would make their application in confidence. It was kept confidential, because it might well have been turned down, and there is a certain amount of humiliation if a top QC or a managing partner of Allen & Overy applies for an appointment on the High Court bench and is turned down. In the past, no one ever knew that they had applied. Now, they have to take a written test in a public place, and everyone knows that they have done it.

A large number of solicitors and leading QCs tell us that that is having an impact on their practice. They obviously want to keep their clients in place and keep their practice going, and they want to ensure that their partners in their firms and the junior members of their chambers have confidence in them as senior QCs or managing partners. Yet when they apply for a judicial appointment, which in the past would have been kept totally confidential, everyone hears that they have done a test. I am less concerned about whether they fail the test, because I am not saying that it is necessarily unfair, but it is completely unnecessary because it puts the fact of the application into the public domain.

Jeremy Wright: Given that the Government's intention in setting up the JAC was to encourage those who would not otherwise come forward to seek judicial office, does my hon. Friend share my view that any obstacle to those potential applicants is to be regretted? Is it not at least possible that the written test is one of those obstacles?

Mr. Bellingham: I am grateful to my hon. Friend for making that point, because it leads me on to a briefing that I have received from the Law Society. I was staggered by what it said:

"The written tests are proving to be an invaluable method of screening applicants. According to the JAC they are...a good indicator".

Of course the JAC would say that. It continued:

"Another beneficial result of the use of written tests is that more women, ethnic minority and solicitor candidates are progressing through to interview and eventual appointment."

I put it to the Law Society and my hon. Friend that most top QCs and senior solicitors are used to dealing with complex paperwork day in, day out. Most of them have top degrees from top universities, and they have the self-confidence and ability to flourish in a written test. However, we are trying to encourage people to apply who are not as fortunate in their background but have ample ability and may well be ideal people to be considered for a judicial appointment, and they may well fall at that first hurdle. As he has said, that puts an unnecessary obstacle in the way of such candidates and may well put them off applying in the first place.

I do not know whether the Minister has had a chance to look at the JAC's website or examine some of the tests, but some of them are Alice in Wonderland scenarios.

We are asking senior people of his type of age, maturity and ability to take a written test in which they have to devise some imaginary legislative scenario and then work out cases based on it and deliberate upon them. They are not law students; they are top QCs, barristers and academics. The test is demeaning and completely unnecessary, and I have not yet met a single person who thinks it a good idea, apart from a few people on the JAC and the Law Society, which appears to regurgitate exactly what the JAC has said. If one speaks to any barrister or anyone who has been through the test, they say that it is completely unnecessary.

Will the Minister tell the Committee what percentage of the £8.5 million a year costs of the JAC go into the running the tests? It must be expensive to devise the papers, put together the panels that write them, bring in outside consultants and expertise, book the halls where the tests take place, supervise the tests and put in place the necessary security. It is an incredibly expensive and bureaucratic exercise. The Minister talks about streamlining the system and making it simpler and easier. We have an idea for him: get rid of those tests, which are completely unnecessary.

It seems to me that the JAC has found itself in new, uncharted territory, and of course any new organisation or commission will want to build an empire. The JAC is building its own little empire and wants to embed it, and what better way than to put in place something as bureaucratic as the written test procedure, which obviously means more work for people and more jobs?

As I said to the Minister a moment ago, his budget is under huge pressure. Looking at the Red Book and the roll-forward of the Ministry of Justice budget, we see that he will be looking for cuts across the piece. There will be substantial cost cuts in prisons, in the Courts Service, maybe in legal aid, in the administration of the Legal Services Commission and in every other part of the MOJ because of what the Treasury has done to his Budget. Well, we are giving him a very good suggestion for reducing costs. At the same time, we are proposing the measures not just to reduce costs, but because we want a better system for judicial appointments. On that basis, I hope new clauses 20 and 22 will command the support not only of Opposition Members, but of the Minister and Labour Members.

3 pm

Mr. Heald: May I start by talking about the quality of judiciary that we want to attract in this country? We have an honourable tradition and a high standard, which has been set by giants such as Lord Devlin, Lord Denning and Lord Reid. There is a history of legal figures who have commanded respect not only for their wisdom, but for their great intellect, their ability to interpret the law, and through the common law, their ability to make the law.

That proud tradition brings me to the point the Minister made when he intervened on my hon. Friend the Member for North-West Norfolk (Mr. Bellingham). He asked my hon. Friend whether he could criticise any of the 12 appointments to the Court of Appeal. I would turn the question round to the Minister and ask him, "Look, you are spending £8.5 million extra; can you criticise any of those who went before?" I think the history of our appointment of judges, particularly at that level, is a marvellous one. I do not think that anyone could point to a Court of Appeal judge in England who was not of a high quality of intellect and wisdom. Some perhaps occasionally made judicial mistakes that were overturned in the highest court, but I do not think it could be said that they had no reasons for their decisions or for putting their decisions in the way they did.

The problem of how to choose our judges for the higher courts all comes down to having a system that allows the best minds and the most wise to emerge. That is what happens. In the High Court, or dealing with tier 1 work in the Crown court, it becomes clear over a period which judges are doing an impeccable job. That happens not only by word of mouth, but because of decisions that go to appeal. Often when appeals are upheld, the judgment of a particular judge—his summing-up in a criminal case or his judgment in a High Court case—will be praised, and it will become the law in due course as the higher courts adopt his reasoning. Those legal minds and those people have emerged in the past and continue to emerge.

Not only the lords justices of appeal sit in the Court of Appeal and the divisional court, but High Court judges sit there as flankers, helping the court as part of the court. Therefore, the lords justices of appeal get to see the High Court judges. They not only see their decisions, but see them in action. The High Court judges give judgments in cases and are often very highly regarded, particularly in specialist areas, so the idea that we need to have laymen in the JAC deciding who should be in the Court of Appeal is really a nonsense. The fact is that the people who should be there emerge through their talents, wisdom and intellect. That has always been the case, and we cannot point to a time when that did not happen.

Why have we got the JAC? The commission has a worthy role—I am not against the idea that we should try to improve diversity—but I think merit should be the first and foremost criterion. In relation to the debate that my hon. Friend mentioned, my point was that it is all very well to have a two-track approach, but when it comes down to it, merit must be the greatest thing, because that will guarantee the rule of law and a system that holds water.

Historically, it is true that the reason why we have a JAC is that Tony Blair, in the course of a reshuffle, decided he was going to abolish the Lord Chancellor. He wanted to do that not for any high and worthy reason—as far as one can tell—but because he had had enough of Lord Irvine. Lord Irvine says so, and I am sure that is the history. I thought it sad that our Prime Minister made a decision for that reason without even consulting the top judge in the country, Lord Woolf, who was told five minutes before the press release went out. It is said that his remark was, "What?" but that may be completely untrue.

However, it is certainly the case that the concordat, which is a very substantial document, had to be agreed between the Government and the Lord Chief Justice before the new approach—retaining a Lord Chancellor but without many of the powers of before—was able to go ahead. At that time, various things were done to replicate the traditional role of the Lord Chancellor, such as his role in appointing judges. One thing that came out of that was the JAC.

[Mr. Heald]

The Conservatives did not oppose the setting up of the JAC, but we made two important points on the matter. First, we said that merit should be the main reason for appointing a person, and secondly, we said that the higher courts should be treated slightly differently.

If we look at what has been happening, we will see some encouraging signs in the law. When I first qualified as a lawyer, I think about 25 per cent. of solicitors were women; now the numbers coming through university law courses are roughly equal, so we can see improvement on that. There are greater numbers of ethnic minority solicitors and barristers coming through. The trend of ethnic minority solicitors setting up practices that cater to particular communities and their needs has been beneficial and we have seen some role models come through. It has enabled some pioneers to set the way.

With that in mind, and on the subject of diversity and the role of the JAC, Lord Carter's suggestion—it is now being implemented—of making solicitors' firms larger so that they are more substantial entities that can undertake particular legal aid work, is not very helpful. The ethnic minority senior partners whom I have met have criticised that. They make the point that it creates something of a glass ceiling. If senior partners in small firms that cater to a particular community have to amalgamate with a larger firm, they will no longer be senior partners. Not allowing a member of an ethnic minority community member to be the senior partner in a small firm creates the glass ceiling, which worries me.

The other point that is worth mentioning is that, as my hon. Friend said, the Bar Council has a very honourable tradition of trying to widen access to the profession. Geoffrey Vos, whom my hon. Friend mentioned, made that the keynote of his year's chairmanship. Through that period, he worked with a lot of schools and other institutions to encourage people from poorer backgrounds to come into the law and encourage barristers' chambers to offer proper scholarships, so that individuals had the money to train or undertake a pupillage. When I started—I went from a state education to the Bar—we had to find money from anywhere to survive during pupillage. I worked in an inner-city settlement in south London. In fact, I got to know the hon. Member for Eltham (Clive Efford) at that time—we used to run a youth football team together. However, it was not easy to become a barrister in those days. What Geoffrey Vos and others have done has been a good thing for the legal world.

New clause 20 has a lot of merit, but I have mixed feelings about whether the written tests are a good idea. When they were first suggested, I worried that they would be about being a contemporary, modern kind of judge. We all know the story of the judge who famously asked, "Who are the Beatles?" during a case years ago, and there was the famous case in which a judge made an ill-judged remark about a soap star. I worried that the tests would be very politically correct, but my understanding is that they have not been about knowing who is in "The X-Factor" or who Simon Cowell is, or who Dannii Minogue is sitting next to—

David Howarth (Cambridge) (LD): Who?

Mr. Heald: The hon. Gentleman obviously has all the necessary trappings to become a judge, as he is asking who Dannii Minogue is—*[Interruption.]* Perhaps he prefers another member of the panel or perhaps he does not know what the panel is.

It is a good idea, in some ways, to ensure that candidates have an appropriate level of knowledge. My hon. Friend the Member for North-West Norfolk said that the top barrister or solicitor who wants to be a judge will be bound to know the basic information about how the legislature works and how to apply cases, but if we are trying to widen the ambit for the lower judicial appointments, it may be that having a written test that anyone can take will bring in a few more people. Does the Minister think that it is worth the cost of what is potentially quite a bureaucratic exercise? Historically, one would have said that the sort of people who would be able to apply to become a judge—after years of experience in the law—would not need to do a written test. What is the aim of the test? Is it about modernity, or some basic level of knowledge? Is it about encouraging new applicants but ensuring that they can read and write?

In summary, I have great sympathy for new clause 20 and will be interested to hear the Minister's answers on new clause 22.

Mr. Heath: I listened carefully to the hon. Member for North-West Norfolk (Mr. Bellingham) and I heard much background history of the events that led to the Constitutional Reform Act 2005, but I did not hear a convincing argument in favour of his new clauses. I will address the issues that he raised, but I am not yet convinced that I should advise my right hon. and hon. Friends to support his new clauses—*[Interruption.]* It is indeed sad that he was unable to persuade me, but perhaps I can demonstrate the holes in his argument.

I start from the basis that the constitutional reforms to which the hon. Gentleman referred were, as he correctly said, a hurried and, in many ways, botched job. I was part of the Committee that dealt with those legislative changes and it was clear that, to a large extent, they had been written on the back of an envelope and were not subject to prior consultation. Indeed, they appeared as a complete surprise to most practitioners in the law, who quickly had to respond to what was being proposed and insist—properly—on certain conditions that were eventually part of the protocol that was decided with the Lord Chief Justice.

Mr. Heald: Does the hon. Gentleman agree that a combination of Lord Woolf and the Conservative and Liberal Democrat parties saved the day by improving the Constitutional Reform Act considerably and, in Lord Woolf's case, agreeing the concordat? Without that, the changes would have been a disaster.

3.15 pm

Mr. Heath: I agree entirely, and it showed good co-operation between the two ends of Parliament and with the senior judiciary, who played an important role in achieving a good outcome from inauspicious beginnings. That is not to say that I object to the vast bulk of the proposals as they ended up, because I felt that they were right. They were changes that many of us had advocated for some time, but their genesis was more predicated—as

the hon. Member for North-West Norfolk said—on the needs of political management than on the need for reform in good order.

We now have these proposed changes to the proposals that were agreed then. I intervened on the hon. Gentleman to ask him why he felt that it was so important to remove the Judicial Appointments Commission process for the lords justices of appeal but to leave it in place for the other appointments, such as the Lord Chief Justice, the Heads of Division, the puisne judges and other office holders. I am not sure that I received a convincing answer. The argument was that the lords justices of appeal are senior judges, so the process was less appropriate. I would have thought that the Lord Chief Justice and Heads of Division were also fairly senior members of the judiciary, and if the argument held for one it would hold for the other. However, apparently that is not the case.

The principal argument seemed to be that the process was bureaucratic, long and less than efficacious. I do not think there is any evidence that the latter is the case. There has been no serious objection to those who have been appointed lords justices of appeal since the process has been in place, nor has there been any criticism of their performance. So that is not a justified complaint.

In terms of the length of the process, the hon. Gentleman made great play of what the Constitutional Reform Act says. It is a fact that when any sort of process is set out in statutory form, it necessarily sounds more complicated than it actually is. That is how the law works and how statutes look. In fact, it is a very simple process. The Lord Chancellor requests the JAC to fill a vacancy. The JAC appoints a selection panel, which submits a report to the Lord Chancellor about the person it has chosen, and the Lord Chancellor may reject the selection, require it to be reconsidered or accept it. Of course, once he has exhausted the other options, he must accept the JAC's decision. That is not a difficult process. It is the sort of process that any appointment procedure, other than the most archaic or rudimentary, would follow. It is a simple system of setting up a shortlisting process and then accepting the recommendation of the shortlisting committee in due course. I do not accept that it is an unnecessarily prolonged process.

Mr. Timpson: Why does the hon. Gentleman think that the Joint Committee came to the position that the JAC was being criticised for inefficiencies and delays in the judicial appointments process?

Mr. Heath: Obviously, a process, however simple, can be delayed in its execution. It might well be that those criticisms were entirely justified, and if so, I hope the JAC takes them into account and addresses the cause of the delay. I hope, too, that the Ministry of Justice is equally engaged in the process. However, I do not think that we can criticise a process for delay if the cause of the delay is not inherent in the process. That seems to be the crux of the argument. The hon. Member for Crewe and Nantwich (Mr. Timpson) might have a justifiable complaint—I do not have the information to agree or disagree with him—but I do not see that the cause of the delay is inherent in the process set out in statute. There should be no substantial delay other than that necessary to do a good job in appointments.

Mr. Heald: Does the hon. Gentleman think there would be any difficulties with a system in which the Lord Chancellor asks the Lord Chief Justice for the runners and riders for the Court of Appeal and produces a shortlist? Would that produce a different list? If so, why?

Mr. Heath: In the case of the current Lord Chancellor and Lord Chief Justice, the difference would probably not be very great. However, the hon. Gentleman knows his history, and he knows that the history of judicial appointments has not always been a good one. He knows that, in the past, some Lords Chancellor have blatantly abused their position in respect of judicial appointments. He might recall Lord Halsbury, who had a fearsome reputation for advancing the careers of those who shared his friendship or political persuasion. There are many other examples.

The House should identify with—and it has done so in the process proposed in the Bill—a system that moves us away from the old-school club, from the magic circle and from decisions made between chums in fine dining rooms about who to put forward. That touches on one of my great criticisms of new clause 22: it does not propose an alternative process for the appointment of Court of Appeal judges; the suggestion is simply that they will "emerge"—I have heard that expression used several times in this debate. Well, we know what emerges from such a process: people who are male, who are educated in certain institutions, who share a commonality of background, but who do not necessarily represent those with the greatest merit for judicial appointments and who certainly do not represent the diversity that is beginning to develop, quite rightly, among the judicial, and indeed lawyer, populations in this country.

The hon. Member for North-East Hertfordshire (Mr. Heald) makes an important point about how the situation has now developed—he applauded it, and I know he is genuine. However, he cannot then have a process that, at the end of the day, depends on who someone knows, rather than on a proper, transparent appointment process.

Mr. Heald: It is one thing to hark back to the Victorian period, but the ladies justices of appeal, who have been so successful in recent years, were all appointed under the old system.

Mr. Heath: But not enough of them. And look at the Supreme Court—there are not enough there! We cannot hold up the current population in the higher levels of the judiciary and say that it reflects modern Britain. However, it is not because of a paucity of candidates that we cannot address that situation, which is why I think it is important to have the judicial appointments system as it currently is.

I agree with the Law Society, which rejects the proposal from the hon. Member for North-West Norfolk. It says:

> "The fear must be that there would be a reversion to the old system of secret soundings and appointment by the Lord Chancellor. That would be a wholly retrograde step."

I, too, believe that it would be. I am surprised that the proposal has been put forward, not just because it is so partial—it would abolish the process for only one class of judicial appointment—but because of the effect that it would have in terms of reversion.

[Mr. Heath]

On the written test, I am clear that there might be arguments on both sides. Criticisms have been voiced in legal circles about the tests, although some of them sound rather precious—as if there is some indignity involved in taking part in a proper appointments process. Senior appointments in other fields involving written tests, or something similar—presentations and so on—are made every day of the week. Nobody else sees it as an affront to their dignity to apply for a job and go through a proper selection process. Nobody else, whether a head of human resources or of a finance department, when they apply for a job as a chief executive, feels it an indignity to be known to be applying for a job and going through a selection process that might involve tests of some kind.

Mr. Bellingham: Ministers don't!

Mr. Heath: There is an awful lot wrong with ministerial appointments, but let us not divert ourselves by discussing what is wrong with those. The hon. Gentleman might well be right—but there we are!

In any case, the sort of person who will be put off by the process is the sort of person whom I am not sure I want as a judge, because it suggests that they have such high regard for their own dignity that they perhaps could not do the job as I, and many others—I think—would want them to do it. I note again the partiality of the new clause. In this case, it deals only with the selection procedure for puisne judges, and not other selections that the JAC makes. They alone would not have the written test.

There is another point here, and it is the exact opposite of what the hon. Member for North-West Norfolk said. He argued, I think, that the written tests will present an obstacle to diversity in the appointment of judges. That is the reverse, of course, of what the Law Society thinks. It says that they will be an assistance, and I think that they probably will be too. They will be an assistance to people who do not fit what has been—and I hope is no longer—the conventional view of what a judge ought to look like, because they provide an objective way for candidates to demonstrate that, whatever the preconceptions of those making the appointment, they have the technical ability, the level of judgment and the facility to perform in the way required of a judicial appointment. There is clear evidence that that process is helping well qualified, able and meritorious candidates to make progress in this area when otherwise they would not.

But does that mean that the procedures cannot be improved? I am sure that if I had the ability, I could look at the written tests and see areas where they could be improved. Indeed, it would be remarkable if they could not be. However, I cannot see it as an affront to a well qualified barrister to ask them to go through a simple process before appointment or candidacy as a judge. I do not see engaging in such a process as below their self-esteem; indeed, for some candidates it is a benefit and helps to assess people who might otherwise not be considered as suitable for judicial appointment.

On the basis of both those arguments, I am not persuaded by the case put forward by the hon. Member for North-West Norfolk. I fear that he seeks to take us backwards, to an era when the magic circle did everything, when everything was decided by nudges and winks, and when what emerged was the same old type of person, who conformed in every way to the same old image of a judge. That is exactly what this House has been trying to avoid in the legislation that it has put in place over recent years.

3.30 pm

Mr. Wills: May I start by welcoming you to the Chair, Mrs. Anderson? You have assumed it since we began this debate, and although that might seem like a long time ago, I would still like to take this opportunity to welcome you to it.

I congratulate the hon. Member for North-West Norfolk (Mr. Bellingham) on his marathon tour of the horizon, as I think the translation goes. He ranged very widely indeed. I congratulate him in particular on his accomplishment of spending 30 minutes advocating what he described as a modest step. If I take it rightly, the reason he spent so much time on it is that he was treating the issue as a microcosm of what he and some of his colleagues who intervened on him see as wrong with the Government's constitutional reforms. He was right to treat the issue as a microcosm of different attitudes towards constitutional reform, because his approach, as seen in his colleagues' interventions on him too, reflects precisely the problems with the Conservatives' approach to constitutional reforms: a mistrust of the British people, a mistrust of change and a misunderstanding of the consequences of their own advocacy.

The hon. Member for Rugby and Kenilworth (Jeremy Wright), who has now wafted off somewhere—*[Interruption.]* No, he is still here, on the Front Bench. He said that he thought that the issue was a microcosm of how the Government did not know where we were going. He is wrong, because we know precisely where we are going in all the areas covered by new clauses 20 and 22. What lies at the heart of the arrangements that the new clauses seek to alter is the principle of the separation of powers and the independence of the judiciary from the Government, which is fundamental.

The hon. Gentleman may not recognise those principles; he may not think them important. But we recognise them and we think that they are fundamental to the health of our constitution. They are particularly important now, in what many commentators have described as a constitutional crisis. People have lost trust in the processes of their democracy, including those in this House, and in Members of this House. We know that, and every Member knows that we have to change that.

One of the key things, as we take forward a programme of constitutional reform that all parts of the House recognise has to be undertaken, is that power should never be concentrated in one place. The best protection against the arbitrary or absolute use of power is the separation of powers—in other words, the diffusion of powers.

Mr. Heald: Is not the fault in the Minister's thinking the fact that, in Britain, that has never been our way of doing things? In Britain, all the power in the country is focused in the Cabinet, where we had the Lord Chancellor, a judge who spoke up for the judiciary, the Leader of the House, who spoke up for the Back Bencher, and the Attorney-General, who spoke up for the legal profession. That is an odd way of doing things, but it was our way, and now the Minister has broken it.

Mr. Wills: With all respect for the hon. Gentleman, his understanding of our constitutional history is flawed. He is right that in this country we have always evolved, rather than had revolutions, although there have been great disjunctions in our political history—far more than we perhaps realise—and there has been a certain fuzzy logic about our arrangements. Nevertheless, there has always been a logic. Montesquieu, the great proponent of the separation of powers, took his inspiration from the way this country operated. I am proud to say that this country has always followed the principle that healthy societies are democracies in which power is diffused as widely as possible. All parts of the House can agree on that.

That is fundamental, and it is precisely the area at which the measures that the proposed new clauses would overturn are directed—that is, the independence of the judiciary. It is profoundly important that we do nothing to harm that principle and that, as far as possible, we pursue the principle of the separation of powers. It is important not only that powers should be separated in practice, but crucially that they are perceived and believed to be so by the people we all serve.

Mr. Heald: I agree with the Minister that there are elements of separated powers in Britain, because each of the institutions has fought for its rights. The judges fought for theirs, Parliament fought for its right over the King, and so on. However, the compromise was that we had to have representatives of all the main interests right at the heart of power, at the Cabinet table, because the Executive are not separate from our Parliament. The Government fell into error by breaking the role of the Lord Chancellor, and that is why we have to have a massive concordat and a great big Bill to deal with this. I still worry that Ministers do not understand that we do not have a true separation of powers, as they do in America; that is not our system.

Mr. Wills: Of course the hon. Gentleman is right. We do not have a written constitution in which these things are formally codified, although we have elements of codification in our constitution. He is right to say that this is a complex issue. Inevitably, the patterns shift over time. The courts arrogate powers to themselves, for example, and Parliament tries to get power back from the Executive. Under this Government, the Executive are giving power away to Parliament. This is a constant process that ebbs and flows and, in among the inevitable conflicts and tensions that arise, I believe that we have a healthy democracy. We have to prove that in the months and years ahead. We have to reinvent our democracy for ourselves collectively, and must ensure that the people we serve know that they are here to do.

We broadly agree that, as we do not have a written constitution, these matters are flexible. However, the goal of diffusing power as widely as possible and, in this context, maintaining the robust independence of the judiciary is fundamentally important to the liberties of the British people.

Jeremy Wright: Is not the central thesis of the argument put forward by my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) that if it ain't broke, don't fix it? The problem here is that the Government have embarked on a programme of constitutional reform with regard to the judiciary that they did not need to start and that they have no idea how to finish. The Minister cannot possibly argue that the independence of the judiciary was weak before these reforms and is stronger now. The judiciary challenged Executives of both political colours in a robust way well before the Judicial Appointments Commission was thought of.

Mr. Wills: I am grateful to the hon. Gentleman for that intervention, because I was about to come to precisely that point. I would just say that clichés are not really a maxim for constitutional reform, but I shall rephrase that, and say that we should not approach constitutional reform in this country as engineers with a blueprint into which everything has to be shoehorned. If that is what he is saying, I agree with him. He is nodding. We should approach it as physicians, healing what needs to be healed and encouraging preventive medicine. We need to be fit, and constantly to respond to the needs of the people we serve.

The gist of the arguments in favour of the new clauses is that the system was good before, so let's not change it. I agree with the point made by the hon. Members for North-West Norfolk, for North-East Hertfordshire (Mr. Heald) and for Rugby and Kenilworth that our judiciary has comprised many individuals of surpassing excellence. The hon. Member for North-East Hertfordshire listed many luminaries of the bench, and we look back on their judgments and see their wisdom, their command of the law and the way in which they developed the common law. Of course, no one could possibly be anything other than full of admiration for the work that they have done over decades and generations. The hon. Gentleman is right about that. So, too, is the hon. Member for Somerton and Frome (Mr. Heath) when he says that we should not be complacent about these things, however. Just because we have a list of luminaries, that does not mean that the system is perfect. Of course it is not, and we should always strive to do better. That is my response to the hon. Member for Rugby and Kenilworth. The fact that the system was good does not mean that it cannot be better.

I urge hon. Members to focus on this point: the system should not only work but be seen and believed to work in accordance with the fundamental principles of the British people. We have to give the British people confidence in the system. It is not enough that the hon. Member for North-East Hertfordshire thinks that those judges have been brilliant; the people we serve have to believe it as well.

David Howarth: May I support the Minister even further? It is clear to those who have studied the judiciary over long periods that the quality of judicial appointments under the old system was highly dependent on the quality of the Lord Chancellor of the day. There were some immensely good Lord Chancellors, but, to be frank, others were not so good.

Mr. Wills: I am grateful to the hon. Gentleman who, as always, brings a great deal of learning and knowledge to our proceedings. He is right. We have to be clear about the purpose of new clause 20: it is to return to the old system. Various points are made about the role of the Judicial Appointments Commission, but even in its own terms—and the terms of the argument made by the hon. Member for North-West Norfolk—the provision is flawed. The hon. Gentleman quoted a letter from an anonymous judge, although I am not quite sure whether

[Mr. Wills]

this was a High Court judge. The hon. Gentleman does not want to clarify that, so let us call him the anonymous judge of whatever level. He said that these appointments would be made by people with no experience of these matters, so let me remind the hon. Gentleman what happened before our reforms were put in place—the position to which he wants to return—and what happens now.

Previously, these judges were appointed by the Queen—that remains—on the recommendation of the Prime Minister. According to our anonymous judge, the Prime Minister presumably has no experience relating to the people being appointed. The advice of the Lord Chancellor was also relevant, and he may well have had some experience before the reforms. The Lord Chancellor consulted the various heads of division; that was the role—they were consulted, and that was it. What happens now is that the Lord Chief Justice takes part in the proceedings and the Constitutional Reform Act 2005 establishes the selection panel—this is what the new clause would abolish—chaired by the Lord Chief Justice who I think all Conservative Members would accept has had day-to-day experience throughout his working life. *[Interruption.]* The hon. Member for North-West Norfolk might want to listen to this, as he seemed to have forgotten it in his remarks.

As I say, the Lord Chief Justice chairs the selection panel, so I assume that the anonymous judge whom the hon. Gentleman quoted would be content with that. The Lord Chief Justice or his nominee chooses another judge—again, I hope our anonymous judge would be happy with that—and another lay member of the JAC. This system therefore puts two judges, with all the experience that the hon. Gentleman wanted to see deployed in the appointment of lords justices of appeal, in the driving seat in the selection of those judges. That is precisely what the new clause would remove. Even in terms of the hon. Gentleman's own argument, it does not fly.

There are enormous benefits from having the Judicial Appointments Commission, but the hon. Member for Crewe and Nantwich (Mr. Timpson) has made various complaints about it. I would like to reinforce what the hon. Member for Somerton and Frome said to him when he pointed out that the fact that a system may not work perfectly does not mean that we have to ditch the whole system; we simply have to improve it. We have to decide first whether the system we have is better than the one we had before—and I think that it is, unarguably. It is unarguably better because it ensures greater levels of independence and transparency in the appointment process. I do not understand, particularly nowadays, how anyone—even those on the Conservative Benches—can argue against having greater independence and transparency in an appointments process.

To clarify, the JAC appoints candidates solely on merit, so the various innuendos we heard floating around that judges were appointed on criteria other than merit are not right. This system works and continues to work well; of course it can work better; that is what we all want it to do.

I could go through various arguments for and against the written tests. As hon. Members have said, there are arguments both for and against them, but it is worth bearing in mind that some recent selection processes had up to 1,000 candidates applying. We need a sifting process to deal with that. As to the comments about costs and all the rest of it, I ask hon. Members to reflect on how they would carry out the sift. Having a personal system of interviews is likely, as a first sift, to be considerably more expensive than a written test. Every business has to do this and the civil service adopts similar processes for its fast-stream.

The key point is that I am deliberately not going to comment on the efficacy of the written tests. I invite hon. Members to reflect on it for themselves. The reason I am not going to do that is that doing so would be another instance of the Executive trampling into terrain that should properly be the preserve of the independent Judicial Appointments Commission.

On Second Reading of the Constitutional Reform Bill, the Lord Chancellor said:

"I will ensure that the definition of merit should be for the commission itself and not for Ministers."—*[Official Report, House of Lords,* 8 March 2004; Vol. 658, c. 984.]

The Act went on to recognise that, and the importance of the JAC and the judiciary, by providing that the JAC should determine its own selection processes. That is right and proper. That is our position, too. The JAC should determine its own processes. There are arguments for and against, which we could have until 7 o'clock, but I do not intend to do so.

When I began my remarks, I referred to the traditional Conservative attitude towards constitutional reform. There is another tradition of Conservatism, which I invite the hon. Member for North-West Norfolk to discover: the tradition of progressive Conservatism of Disraeli and Lord Randolph Churchill. They would never have pressed such a new clause, so I invite the hon. Gentleman to rediscover that tradition and withdraw his new clause.

Mr. Bellingham: I will be brief. The Minister has been his normal charming self. I do not agree with everything he said, but I listened carefully to his comments on our new clause 20, and to the compelling points of the hon. Member for Somerton and Frome (Mr. Heath). Although we in no way resile from the arguments we put forward, I accept what the Minister has said. On that basis, I will not press new clause 20, but I would nevertheless like to put new clause 22 to the vote at the appropriate stage.

I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 21

CHIEF EXECUTIVE OF THE SUPREME COURT

'(1) The Constitutional Reform Act 2005 is amended as follows.

(2) Omit section 48.

(3) Omit subsection (2) of section 49.

(4) In subsection (1) of section 51, for "chief executive" substitute "President".

(5) In subsection (1) of section 54, for "chief executive" substitute "President".'.—*(Mr. Bellingham.)*

Brought up, and read the First time.

3.45 pm

Mr. Bellingham: I beg to move, That the clause be read a Second time.

New clause 21 relates to the Supreme Court. Again, I declare an interest as a barrister. The background to the establishment of the new Supreme Court was due entirely to the Constitutional Reform Act 2005, the relevant section of which made it clear that the Supreme Court would be set up. Section 48 refers to appointing a chief executive.

This reform was part of a wider package, which we discussed in detail on earlier new clauses, and I do not want to repeat those discussions. It is worth pointing out, however, that the Judicial Committee of the House of Lords—the Law Lords, as they were known—did a first-class job. No one complained that they were not doing a good job. No one complained that their location in any way inhibited or restricted their professionalism or their work. They started off, many years ago, in the main Chamber of the House of Lords, but as pressure on business increased they were exiled to a Committee room on Committee corridor.

The Temporary Chairman (Janet Anderson): Order. I remind the hon. Gentleman that we are discussing whether to have a chief executive of the Supreme Court. I would be grateful if he restricted his remarks to that.

Mr. Bellingham: I will come on to that quickly, and I am grateful to you, Mrs. Anderson, for that reminder. Obviously, it is difficult to explain what the chief executive is about without looking at what the chief executive does, which is preside over the Supreme Court on which the former Law Lords are judges.

Although one might well have taken the view that it was quaint, quirky, anachronistic and so on to have Law Lords sitting in a small Committee room, the arrangement worked very well. However, it was decided that they should be moved across to the new Supreme Court. Obviously, that decision was taken at a time when the economy was booming, and no one worried too much about the costs. The original estimated cost was £30 million, which then went up. As we know, the ultimate capital cost of the Supreme Court came in at £58.9 million: a vast amount of money to locate those judges in a new building when they had a perfectly good place to sit already. I believe that only one Law Lord agreed, and publicly stated, that it was a good idea to move across to the Supreme Court. The other Law Lords were all opposed to the move. They felt that the existing arrangements worked extremely well.

I will not dwell on the capital costs, however, because I want to consider the current costs of running the new Supreme Court. Let us consider the pervious arrangements that were in place in the House of Lords. Of course, it is difficult to work out exactly what the costs were, but the cost of the Clerks, the Librarian and the other officials who serviced the Law Lords amounted to roughly £600,000. That was not a huge sum, and I think that it represented very good value for money. Back in July it was announced in a written parliamentary answer that the running costs of the new Supreme Court would be £12.3 million. That is a pretty staggering figure compared with £600,000. The new chief executive, who is the subject of new clause 21 —

Mr. Wilks: I am sorry to interrupt the hon. Gentleman, but is he absolutely confident that he is comparing like with like? I think it important for the Committee to know the answer to that question.

Mr. Bellingham: I am certainly confident that I am comparing like with like. The actual costs of running the Judicial Committee of the House of Lords amounted to £600,000.

Mr. Wilks: I am sorry to intervene on the hon. Gentleman again, but I want to be absolutely clear about this. He knows for a fact, does he, that the costs have escalated twentyfold as a result of the move from the House of Lords?

Mr. Bellingham: Yes—the actual administrative costs: the running costs. As *Hansard* shows, in 2005 the Minister replying to the debate in the House of Lords agreed that the actual costs amounted to £600,000. Obviously the costs of the salaries and pensions of the Law Lords were additional to that. The original figure given for the running costs of the Supreme Court back in July was £12.3 million, to which must be added the salaries and pensions of the Law Lords. Between July and September, that figure rose to £13.5 million. May I ask the Minister who is in charge of these costs? Who is controlling them?

Six full-time staff serviced the Law Lords, and I think that they did a very good job in looking after their interests. There are 39 people in the new Supreme Court. The other day I tabled a parliamentary question asking

"how many employees of the new Supreme Court earn more than *(a)* £50,000, *(b)* £75,000 and *(c)* £100,000 a year."

The reply was as follows:

"The Supreme Court has 39 employees. Of those 39 employees, four earn between £50,000 and £75,000, one earns between £75,000 and £100,000, and one earns more than £100,000."—[*Official Report*, 2 November 2009; Vol. 498, c. 747W.]

The employee who earns more than £100,000 is the chief executive.

I take on board what the Minister has said about the separation of powers, but I disagree with it profoundly. I have always taken the view that we do not have an American-style separation of powers in this country. Our judiciary has always been entwined with the legislature: that is one of the great strengths that our constitution has had for many years. Do we really need 39 employees to run the Supreme Court in that fantastic building across the way? Do we really need a chief executive who is paid a salary of more than £100,000? Perhaps it is £140,000; I do not know. Certainly it is far more than the Minister earns. Why do we need a chief executive?

The new clause seeks to make a start—a small start—on reducing the costs of the Supreme Court. I do not think that there is any justification for increasing the number of staff from six to 39, or for appointing a chief executive. What will the chief executive do? What will the director of finance do? What will the director of communications and the other directors do? Why cannot the Supreme Court be run with a senior Clerk, perhaps a few caretakers and a couple of librarians? Let us get the cost down to a sensible level.

As the Minister well knows, the Conservatives would not have gone down the Supreme Court route. On the other hand, we are pragmatic politicians. We are not going to simply scrap the arrangement and spend a lot

[Mr. Bellingham]

of money on reversing these changes. What we do want to do, if we win the election, is ensure that the court works more efficiently and gives better value for money. We do not believe that a cost of more than £13.5 million, and probably rising, represents good value for money.

David Howarth: I am now a little concerned by the hon. Gentleman's argument, because it seems to me that it means that, whatever the current tasks of the chief executive, under the new clause those tasks will be transferred to the president of the court. Has the hon. Gentleman made any estimate of the increase in the president's work load arising from his proposal, or is he assuming there would be none?

Mr. Bellingham: The hon. Gentleman is a distinguished academic and we have debated such issues many times. He will remember that when he and I started out on our legal careers, judges ran their own courts. Long before Her Majesty's Courts Service—employing 20,000-plus people—judges ran their courts, and they exercised control of all aspects of their administration. Those judges would run large combined courts, employing substantial numbers of people and manage a very complex case load—and they would also manage large numbers of litigants, solicitors and barristers who came before the court on a daily basis.

On the Supreme Court, I entirely accept what the hon. Gentleman says. We do not want its president to be bogged down with a huge amount of administration and a lot of minor detail. That is why he needs to have a staff, but does he need a staff of 39, and does he need a chief executive? I suggest that this modest proposal of removing the post of chief executive would be a very good start, because it would send a signal to the Supreme Court that it must deliver value for money and be run efficiently.

Furthermore, let us take another look at the Department's budget, which is under immense pressure. There are court buildings that need to be repaired, the legal aid budget is in crisis, there is a crisis over access to justice, law centres and advice centres are closing by the dozen, legal aid deserts are appearing, and young lawyers are forsaking publicly funded work, and all because tiny amounts of money are being taken out of the legal aid budget. Yet here we are looking at the running costs of the ultimate appeal court in the land going up from about £600,000 to almost £14 million, employing a chief executive on a very large salary in a post that my party thinks is superfluous to requirements. The new clause has been proposed in the spirit of trying to get better value for money and making sure that the delivery of justice in this country is more streamlined and efficient—which is exactly what the Minister said that he wants too.

Mr. Heath: I was expecting a totally different argument from the hon. Member for North-West Norfolk (Mr. Bellingham). I thought he was going to present an argument with which I have a degree of sympathy. Indeed, given the words on the amendment paper, I can still make his new clause fit my aspirations—but for the wrong reasons, it would appear. I thought he was trying to make sure that the role of the chief executive and the running of the Supreme Court were transferred solely to the authority of the president of the Supreme Court, thus cutting out the middleman, the Lord High Chancellor, who is responsible at present for the staffing levels the hon. Gentleman has described and for the salary enjoyed by the chief executive. At present, the whole shebang is nothing to do with the president, other than in a consultative capacity. It is all down to the Lord High Chancellor, who has made his decisions about the proposals.

I thought the hon. Gentleman would express support for the ongoing process of separating out the legislature and the Executive from the courts by giving the courts proper responsibility for running their own affairs in this discrete aspect. I have heard the arguments, however, and I now understand that he wants to do exactly the opposite. He wants this House to interfere with the running of the Supreme Court and its president to undertake a new raft of functions that involve making sure the lights are switched off and the boiler is mended. I am not sure that that is a sensible use of the time of the president of the Supreme Court of the United Kingdom. The hon. Member for North-West Norfolk believes that it is, but his argument in favour is based on costs that sounded rather speculative to me. He cited some figures—I shall be interested in what the Minister has to say about those—but the comparison being made did not seem to be exactly like for like; I did not note, for example, any property costs in terms of housing the Law Lords in the House of Lords. That apparently costs nothing at all and is, thus, not to be used as a comparator, and I suspect that some of the hon. Gentleman's other arguments are not entirely accurate.

4 pm

However, the hon. Gentleman has a point, in that having the building across the road and running two buildings, rather than one, entails an increased cost. I think that that cost is justified. I was one of those who always argued for a supreme court and who always argued that it was an extraordinary anomaly that the Law Lords sat within our legislature, thus making it very difficult for us to defend our position compared with most modern political and judicial systems. I was one of the first to suggest the Middlesex Guildhall as a suitable venue—*[Interruption.]* Yes, it was my fault; I accept responsibility. I thought it was a good building to put the Supreme Court in and, having seen it, I remain of that view. With the exception of the carpets, it is a marvellous adaptation of a very suitable building for its purpose.

Mr. Bellingham *rose—*

Mr. Heath: The hon. Gentleman wishes to intervene on the subject of carpets.

Mr. Bellingham: The hon. Gentleman obviously never appeared before a Crown court judge in that building when it was a Crown court. It was a lugubrious, grotty building then, but I agree that the work has been done to a very high standard, and the architects need congratulating. Obviously, as £80 million has been spent, one would expect a Rolls-Royce building, and that is what we have got.

Mr. Heath: We have got an excellent building. Those who represent the top of this country's judicial processes deserve an appropriate building. Far from being lugubrious, I suspect that it is now a rather good place to work. It has retained the best features of the Middlesex Guildhall intact; I am particularly pleased that the building contains

a very prominent portrait—there might be two in the building—of John Fielding of Somersetshire, who did so much to establish our modern judiciary and the role of modern courts.

I am a great supporter of the Supreme Court and of how it has developed. Should it be for the Lord Chancellor now to have any involvement in the day-to-day running of that court? My answer to that is no. However, although I thought that I could have couched the hon. Gentleman's new clause in more felicitous terms, it would achieve a result that I could support. That leaves me in a great dilemma were he to call a Division, because were I to support him it would be for reasons almost diametrically opposed to those for which he believes his proposal is necessary. I would be tainted by association with his arguments and I do not want that, nor do I want my hon. and right hon. Friends to be so tainted.

I hope that the Minister will advance such a strong argument in rebuttal that the hon. Gentleman will withdraw his new clause. I also hope that on another occasion we will look at properly strengthening the role of the president of the Supreme Court, not by making him empty the dustbins, but by allowing him to appoint his own staff. He should make the dispositions on staffing and any other arrangements of the Supreme Court that he thinks best, rather than come back to the Lord Chancellor to ask for permission. I would support amendments along those lines, because having set up this new body, with which we should be very pleased, now is the time for the Lord Chancellor to let go.

That takes us back to the debates that we had earlier this afternoon and the reluctance, it would seem, of the Executive entirely to let go of matters that are within their power. I hope that the Minister will be able to tell us that in the long term that is precisely what the Government intend to do.

Mr. Wills: Again, we have had a very interesting debate. The hon. Member for North-West Norfolk (Mr. Bellingham) is an adornment to this House, and I hope that he will preserve that status by withdrawing this amendment.

I shall set out my reasons. The hon. Gentleman quite rightly raises the point that all public institutions have to be efficient and cost-effective, and they do, but he has to be careful that he does not take Oscar Wilde's definition of modern people as people who know the value of nothing and the price of everything and attach it to the modern Conservative party.

These institutions have great value and tribute has been paid to the building. This is the apex of our judicial system and one of the cornerstones of our constitution. No one would have said that the Palace of Westminster should never have been built with its wonderful decoration. It is a Palace of Westminster that belongs to the British people in the same way, ultimately, as the Supreme Court does. However, the hon. Gentleman is quite right to raise the question of cost-effectiveness, although, of course, public institutions never waste money.

My problem is that it is very difficult to compare costs. I intervened on the hon. Gentleman and, perhaps rashly, he insisted that he was comparing like with like. I ask him to think again. It is very difficult to make reliable comparisons for exactly the reason that has been given by the hon. Member for Somerton and Frome (Mr. Heath). There is no like-for-like comparison that we have been able to find.

If the hon. Member for North-West Norfolk can produce such a comparison for me, line by line, in a way that a chartered accountant would recognise, I would be happy to consider it and, if we can find savings, I would be happy to make them on that basis. However, the increase in the number of staff, for example, includes security, the library and catering, all of which were previously provided by the House of Lords infrastructure. There was no space to expand, even though sometimes it was needed. It is very difficult. Anyone who has tried to find out the true cost of catering in the Houses of Parliament runs up against the same problems of how we cost the building and its running costs. There are all kinds of intricacies that I have never been able to get to the bottom of. If he can, and if he can produce genuine like-for-like comparisons between the two buildings, I will happily look at them.

Mr. Bellingham: The Minister has challenged me, and I shall investigate this fully, but surely the point is that the Law Lords shared our security, which was in place anyway to protect the many thousands of people who use this Palace, and our facilities. One would often see Law Lords going down to the Terrace cafeteria for a snack. The cost was obviously heavily subsidised, because they were one—or 12—of a large number of people using the facilities. Now they have their own dedicated facilities, and of course it costs much more.

Mr. Wills: When I say like for like, I know that the running costs are not exactly the same and that of course there will be savings in both cases. The Supreme Court is a new building and will almost certainly be far more energy-efficient than this building. Of course, capital costs go into that and they have to be amortised over a certain period of time. These calculations are highly complex but for a relatively small institution the difference in the running costs—it is just a matter of common sense—is unlikely to be that great. There would be savings in some areas if it were to remain here and savings in others if it were transferred to a more modern building with all the efficiencies that come with such buildings, as compared with largely unrefurbished great historic buildings, such as this one, where it is a patch and mend job all the time. I urge the hon. Gentleman to use some common sense, because the actual differences are unlikely to be very significant.

Mr. Timpson: I take the Minister's point about the Supreme Court's being the apex of our judicial system, but most members of the public who have to access our judicial system tend to do so at the lower end—in the magistrates courts and family proceedings courts. When they see their magistrates courts in a poor state of repair and, on occasions, see them closing, it makes it even more important that the cost of the Supreme Court—every penny—is justified. When we hear sums for running costs in the region of £13 million, compared with what it would cost to run a local magistrates court, it is important that that case is made clearly and forensically. I suspect that that is the point that my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) is trying to make, to ensure that we are getting value for money.

Mr. Wills: Of course we must get value for money, which is exactly what I said. As I shall describe in a moment, that is one of the functions of the chief executive.

The Supreme Court has been established in a proper and effective way, with the staff that it needs to discharge its essential function in our constitution. All the rest of the judicial system depends on it, as the hon. Member for North-West Norfolk well knows. It is not a question of either/or: we continue to invest in the court service, and it is well known that magistrates courts close for whole complexes of reasons. The needs of the justice system change, and that is a key reason why magistrates courts change. Magistrates courts are not having to close because of the establishment of the Supreme Court, but of course there has to be value for money.

If the hon. Member for North-West Norfolk can justify his claim that costs have increased twentyfold, of course I will look at it, but I confidently assure him that they have not. The equation is complex, and I do not want to mislead the Committee. We have to give the figures out in accordance with the highest standards of accountancy, and the way that costs have been amortised in this building renders that difficult.

I am not sure whether it is worth going to the effort of translating the entire argument down into the costs equation, as in the end this is a political debating point. I believe that the difference in running costs is unlikely to be large, and I suspect that the hon. Member for North-West Norfolk thinks so, too.

The new clause is technically defective—

Mr. Heald: Will the Minister give way?

Mr. Wills: No, as I want to come to the real burden of my remarks. We have spent quite a lot of time on what even the hon. Member for North-West Norfolk said was a modest proposal, so I would like to make the main points of my argument against it. If the hon. Member for North-East Hertfordshire (Mr. Heald) still wants to intervene after I have made some progress, I will of course give way to him.

The main problem with new clause 22 is that it still fails the separation of powers test. The hon. Member for North-West Norfolk said—although I am not sure that he really meant it—that he welcomes how the legislature has become tangled up with the higher reaches of the judiciary. I accept that there has been a certain entanglement, but I certainly do not welcome it, and I think that the British people do not want it. One of the greatest protections of their liberties is that the legislature and the judiciary are not entangled. We are continuing the process of disentangling them as far as we possibly can, and that is the purpose of the establishment of the Supreme Court. I do not want to rehearse all the arguments again, but it is very important that we set out exactly what the chief executive does, as that is the core of the problem.

The statute says that it is for the chief executive to manage the non-judicial functions of the Supreme Court, so that its resources are used to provide an efficient and effective system to support it in carrying out its business. I think that everyone should accept that there is a function there to be performed. The chief executive works under the President of the Supreme Court, and again I hope that everyone accepts that, if there is to be a chief executive, that is the correct way for the arrangement to operate.

The new clause would increase substantially the time that the President of the Supreme Court must spend managing the non-judicial aspects of the court's functions, thereby reducing the time that this individual—ex officio, they will be talented, skilled and experienced—has to spend on the crucial judicial work that is the court's core role.

The new clause also would undermine the very independence that the Supreme Court was founded on. I believe that it is very important that we have a Supreme Court, and that its independence is protected. In the first Constitutional Affairs Committee report of the 2003-04 Session, the Law Lords made it clear that they unanimously regarded it as essential that the court enjoyed corporate independence. They said that

"the independence of the judges requires not only that they be free of extraneous pressure but also that the court be institutionally free of administrative pressure".

To that end, the court has been established as a non-ministerial department with its own chief executive, who is also the court's accounting officer, to ensure that there can be no question of interference by the Executive in its day-to-day running. The chief executive, which the new clause would abolish, plays a key role in managing appropriate relationships between the court and branches of Government throughout the UK and assuring proper accountability for the use of public resources—of course, there must be such accountability.

If the function were abolished, the Lord Chancellor would have to provide support along the lines of sections 1 and 2 of the Courts Act 2003, which set out the general duty on the Lord Chancellor to ensure that there is an efficient and effective system to support the business of the senior courts, county courts and magistrates courts, and that appropriate services are provided for those courts.

Since the new clause does not remove other related provisions of the Constitutional Reform Act 2005, such as section 50, which requires the Lord Chancellor to provide accommodation and other resources, the removal of the chief executive role would bring all those financial accountability responsibilities back to the Lord Chancellor and the Ministry of Justice, compromising the independence of the Supreme Court, cutting right across the justices' own requirements for managerial and financial independence, and re-entangling the legislature and the Executive with the judiciary in precisely the way that we think it is right that they should be disentangled.

Finally, the amendment is defective as it leaves intact section 51 of the Act under which the chief executive is responsible for ensuring that

"the Court's resources are used to provide an efficient and effective system to support the Court's business".

For all those reasons, I hope the hon. Member for North-West Norfolk (Mr. Bellingham) will withdraw the new clause.

Mr. Bellingham: The Minister, in his usual charming way, has been extremely persuasive. Although he made some good points, we do not in any way resile from the arguments that we advanced. Our point is simple: the chief executive post at such expense is a huge luxury.

What is wrong with a senior clerk or a manager on a much lower salary carrying out those admin roles? That is what we would like to see, but because of the Minister's charm and persuasion, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 22

WRITTEN TESTS BY THE JUDICIAL APPOINTMENTS COMMISSION

'(1) Section 88 of the Constitutional Reform Act 2005 is amended as follows.

(2) After subsection (5) insert—

"(6) At no stage during any selection procedure may the Commission apply any written tests."'.—*(Mr. Bellingham.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 150, Noes 329.

Division No. 238] **[4.17 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howell, John
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Luff, Peter
Maclean, rh David
Main, Anne
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Redwood, rh Mr. John
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rutley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Willetts, Mr. David
Wilson, Sammy
Winterton, Ann
Young, rh Sir George

Tellers for the Ayes:
Mr. Stephen Crabb and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clegg, rh Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Crudcas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai

Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Healey, rh John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, rh Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickiles, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Ryan, rh Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, rh Mr. Michael
Wilson, Phil
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Younger-Ross, Richard

Tellers for the Noes:
Mr. Bob Blizzard and Mr. John Heppell

Question accordingly negatived.

Clause 37

The Comptroller and Auditor General

Kelvin Hopkins (Luton, North) (Lab): I beg to move amendment 68, page 18, line 19, at end add—

'(9) The principal function of the Comptroller and Auditor General is to further the purposes of national audit set out in section [Purpose of Part 7] by way of investigation and report.'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this it will be convenient to discuss the following: amendment 78, in clause 38, page 19, line 2, at end insert—

'(6A) The Comptroller and Auditor General shall also have discretion to examine the accounts of any organisation supplying goods or services paid for out of public funds, which within any one contract, or any one financial year, exceed a sum to be determined from time to time by statutory instrument.'.

New clause 41—*Purpose of Part 7—*

'The purpose of the following provisions is to further strengthen Parliamentary control and supervision of the expenditure of public money, and for promoting economy, efficiently, effectiveness and probity in the use of such money by government departments and other authorities and organisations.'.

Kelvin Hopkins: It gives me great pleasure to speak to these amendments, if briefly.

In a major piece of legislation it is important that its purposes should be clear, but the Bill nowhere specifies the purposes and aims of national audit, although the National Audit Act 1983 does so. The amendments are intended to remedy that omission.

Mr. Alan Williams (Swansea, West) (Lab): That is not the purpose of the Bill. The statutory powers are already in place, and the purpose of this part of the Bill is to bring better governance into the processes of the National Audit Office.

Kelvin Hopkins: I accept entirely what my right hon. Friend says, but I hope that one purpose of the Bill is to restate the objectives of audit.

Mr. Alan Williams *indicated dissent.*

Kelvin Hopkins: Clearly my right hon. Friend and I disagree, but I hope it will be accepted that the restatement of the 1983 Act would not go amiss in the Bill.

New clause 41 is intended to be inserted at the head of part 7. It repeats the opening of the 1983 Act, with the addition of the word "probity", which seems appropriate in current terms. Amendment 68 is intended to make clear the function of the Comptroller and Auditor General in relation to the purposes of national audit, and amendment 78 takes account of the modern circumstances in which private firms and third-sector organisations can receive a significant proportion of their funds—up to 80 per cent. in some cases—from the public purse. When the services that they provide were provided directly by public authorities, they were subject to the Comptroller and Auditor General or to local government audit. Modern suppliers of services receiving public money should be subject to the CAG, as plcs will be under clause 50.

It is important to reassert the importance of the CAG and national audit. In the last Parliament, there was a brief, surreptitious attempt by the Government to insert a degree of Treasury control over national audit. That was seen off by a combination of Labour Members, Opposition Members and the House of Lords, and the Bill never proceeded, but it is important that we now reaffirm our commitment to national audit. After all, our primary purpose is to vote moneys for government on behalf of the people. We must ensure that what moneys we vote are spent appropriately. That is what national audit and the CAG are all about.

Mr. David Gauke (South-West Hertfordshire) (Con): I thank the hon. Gentleman for tabling these amendments and the new clause. I suspect that the question whether it is necessary to reassert such objectives in this Bill given that the 1983 Act, which also states them, is not being repealed, will be addressed in a moment, but the CAG's objective of carrying out examinations of the economy, efficiency and effectiveness of public bodies is, as the hon. Gentleman says, very important. Perhaps it is more important now than ever, at a time when we will see spending restraint. The Government are spending more than ever before and, indeed, borrowing more than ever before in peacetime, so the focus must clearly be on achieving more for less. The NAO and the CAG have an important role in achieving that. Taxpayer value for money should unite us all—it should not be a partisan point—whether we are left or right. I do not think the hon. Gentleman will take it as a criticism if I say that it does not get more left wing than him. We must all ensure that public spending achieves good value and it is worth paying tribute to the work that the NAO and various CAGs have performed to achieve that.

We may differ on how to achieve greater economy, efficiency and effectiveness in public bodies, and in many ways, this is a matter for great political debate—I am sure the hon. Gentleman would not necessarily share the Conservatives' views about the importance of choice, competition and contestability in achieving better value for money. However, there is a less political role, and the NAO performs it very well, in conjunction with the Public Accounts Committee. The new clause refers to Parliament's important role. As I said, we could question whether the amendments are necessary, but the objective of the NAO and the CAG is important.

I have one or two points to make on clause 37. If there is a stand part debate on it, I will do so then.

The Chairman: Order. I was hoping not to have a stand part debate in view of the fact that, with the new clause, this is a fairly wide grouping.

Mr. Gauke: In which case, Sir Alan, I shall make those points now.

This part of the Bill, as the Father of the House has said, is predominantly to do with the governance of the NAO and the CAG, and there is a combination of continuity and change in the new arrangements. I think it would be fair to provide a little background on how we got into this situation and why there was a need to look again at the governance of the CAG—doubtless the Chairman of the PAC, my hon. Friend the Member for Gainsborough (Mr. Leigh), and the Father of the House will say things to the same effect.

We cannot ignore the fact that there was some adverse publicity regarding the expenses of Sir John Bourn, who was CAG for some 20 years or so. It is a great pity that there was a cloud over the last few months of his service, because he was a distinguished Comptroller and Auditor General. He did much to enhance the reputation of the National Audit Office and worked very effectively with the Public Accounts Committee. Nevertheless, there was some concern and adverse publicity over his expenses, which in many respects led to the commissioning of the Tiner review and various recommendations made as to the governance of the Comptroller and Auditor General and the NAO.

[Mr. Gauke]

I wish to make various points about corporate governance at a later stage, but two points are appropriate to address in the context of clause 37. The first is the length of term of the Comptroller and Auditor General, and the second is the appointment process. Clause 37(7) provides that the length of term should be 10 years and subsection (8) provides that it should be non-renewable. We welcome those provisions. The tension that exists in the Government's arrangements in this area relates to independence and accountability, and that is a point to which we may return later. However, a non-renewable term of a reasonable length gives the CAG a degree of independence. The Tiner review initially suggested eight years, and we now have 10 years in the Bill. No doubt others will explain the reason for that change, but it is not enormously significant. We welcome those provisions.

The issue of the appointment process has been touched on recently in a couple of debates when new Comptrollers and Auditors General have been appointed. I have had the opportunity to speak in both debates—first, on the temporary appointment of Mr. Tim Burr in January 2008, and secondly, on the appointment of Mr. Amyas Morse as the permanent CAG. The debate has centred on whether the existing structure, which has been in place since 1983—by which time the appointment was made by a combination of the Chairman of the Public Accounts Committee and the Prime Minister—is appropriate or whether Parliament should have a wider role, and remove the Prime Minister and the Executive from the process, either altogether or with a diminished role.

Another issue is whether pre-appointment hearings should be introduced. This is not a new debate. In the debate that took place when Sir John Bourn was appointed, the Parliamentary Secretary to the Treasury, the right hon. Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown), then the Opposition spokesman, said, on the question of a greater role for Parliament:

> "The Labour party intends to give effect to this principle when in government."—[*Official Report*, 16 December 1987; Vol. 124, c. 1201.]

The argument for that approach is that we should have greater parliamentary involvement in public appointments. It is an argument that the Prime Minister espoused in his very first statement to this House as Prime Minister. It is one with which I have some sympathy, as it seems to be a more democratic approach, but there are specific arguments that apply in this context that suggest that the continuation of the present system may be a sensible approach.

The first argument is that the Chairman of the Public Accounts Committee is a Member of the Opposition. That is a long-standing convention, and one that I am sure will continue. The Chairman has a substantial role in determining an appointment. In fact, by and large, as I understand it, in practice the Chairman essentially makes the selection, which is then approved by the Prime Minister.

It is important that the CAG is seen as independent of the Executive, and an appointment made by a senior Opposition Member demonstrates an important degree of independence.

4.45 pm

Mr. Heald: I have been wondering whether the CAG would be the right person to be in charge of the office for budget responsibility that the Conservative party has proposed. I wonder that for exactly the reasons that my hon. Friend has outlined: the independent nature of the CAG appointment process.

Mr. Gauke: I am grateful for my hon. Friend's intervention. That would be an interesting structure, although I would be reluctant for the CAG to perform that role. Although the CAG and whoever would be in charge of the office for budget responsibility would play an important role in budget responsibility, I would not want to complicate the role of the CAG because it is a substantial job in itself. Furthermore, the skills required of the CAG—being able to identify waste in specific programmes—involve performing a role at a micro level in identifying particular problems, whereas we envisage the office for budget responsibility working at much more of a macro level. It would be a role for an economist to assess the needs of the Government in reducing the deficit, and the progress—or lack of—made by the Government in achieving those objectives. The parallel is strong in that both roles require a high degree of independence to have the credibility required to perform successfully.

Mr. Heald: My first thought was that, to assess the sustainability of public finances, we need expert economists, as my hon. Friend just said. However, there would be two other aspects of the role of the new office: to audit fully the national debt—or debts—and to enforce a long-term strategy of value for money in public spending. Those fit in well with the role of the CAG. Would there be any logic to giving him that role? I simply cast out that thought to him.

Mr. Gauke: I am grateful to my hon. Friend, and I am sure that his points will be noted. Both roles would be important. It is helpful to the Committee highlight the significance of the office for budget responsibility, and I think that we agree on the significant role that it would play—I hope—in addressing the current huge levels of borrowing. I hope that it would be important, just as the CAG has been important.

On clause 37, we think, on balance, that the result that we have got to, which is largely a continuation of the previous process, is an important one. We are pleased that it remains a requirement for the Prime Minister to move the motion for the appointment of the CAG. As I said, I have had the pleasure of responding to the Prime Minister twice when he has performed that role—I am sure that he was delighted to have that opportunity too. All being well, however, such a motion should not happen very often—once in 10 years, as the Bill envisages—although it is always possible that things will not go entirely to plan. Because of the independence provided by the Chairman of the Public Accounts Committee, there is a danger that the existing independence might be diminished in those circumstances by a straight vote in Parliament—whether a vote in Committee or a vote by the whole House—given that the Government will always be the majority party. Consequently, we welcome clause 37.

Mr. Edward Leigh (Gainsborough) (Con): I rise to speak in favour of clause 37, which covers the office of the Comptroller and Auditor General, and to oppose amendments 68 and 78, and new clause 41.

A number of provisions already protect the independence of the post holder, including the appointment process, the length of tenure and the terms of the appointment. Let me start with some context, so that we can understand the significance of the legislation, why it is important to be clear about the purpose of the Bill and why we must tread carefully in this territory.

The Comptroller and Auditor General is an Officer of the House of Commons. He is not a civil servant and is completely independent of the Government. Uniquely, he is selected by the Government and the Opposition. He reports to Parliament on the activities of the Government and his work is overseen largely by the Public Accounts Committee—the oldest Committee in Parliament, which was set up 150 years ago—which is always chaired by a member of the Opposition. Therefore, there are a number of locks throughout the process to ensure the independence of the Comptroller and Auditor General.

All those arrangements are supported by complex legislative structures and significant parliamentary conventions, many of which have existed for a long time. The result of all those conventions and laws, as well as what we are talking about in clause 37, is to enable the Comptroller and Auditor General to function absolutely independently of the Government. That is what they all do. He must have complete discretion in how he carries out his functions.

I worked closely with the Father of the House, after the retirement of Sir John Bourn. We were clear at all times that we must not mess with the traditional independence of the Comptroller and Auditor General. There may be an opportunity later to discuss the corporate structure and all the rest of it, but the fundamental point is that the Comptroller and Auditor General is completely independent of the Government and that he alone and nobody else—not the Public Accounts Committee and not the board of the National Audit Office—signs off the reports. Nobody else can affect his judgments. He is completely independent, and that is vital.

That statutory independence, which is underpinned by the new Bill, is not a notional phenomenon, shrouded in cobwebs and dating back centuries, or at least back to Gladstone. Rather, it is real, it is current and it forms a key plank of our constitutional fabric. One only has to look around the world at what has happened in other countries to know how important it is—indeed, vital—to have an independent supreme audit office. Every country has a supreme audit office, but not all of them are as independent or effective as ours. Indeed, ours is arguably the best in the world.

I am therefore pleased that the current arrangements, whereby the Comptroller and Auditor General's appointment is proposed by the Prime Minister following consultation with the Chairman of the PAC, have endured—I say "consultation", but it goes much further than that. Frankly, they both have a veto. This gentleman—Amyas Morse, although the Comptroller and Auditor General may be a lady in the future; we do not know—can be appointed only if the Prime Minister, who is obviously a member of the Government by definition, and the Chairman of the PAC, who by convention is a member of the Opposition, both agree.

In fact, in appointing the current Comptroller and Auditor General we improved the process further. Last time, when Sir John Bourn was appointed, my predecessor, Bob Sheldon—now Lord Sheldon—was given a list by the civil service and he interviewed the candidates in his flat. It was a closed process. We now have an open competition, and this time there were a number of advertisements, and anyone could apply. The interviews were carried out at length by myself and the permanent secretary to the Treasury, who represented the Prime Minister. I would like to thank the permanent secretary for the many hours of work that he put into this. By that stage, we had already appointed the new chairman of the National Audit Office, Sir Andrew Likierman, and he was also involved in the latter part of the process. We had an open competition with a number of good candidates, and I believe that we came out with the best.

Mr. Philip Dunne (Ludlow) (Con): My hon. Friend has just referred to the chairman of the National Audit Office having some involvement in the selection of the current Comptroller and Auditor General. Will he elaborate a little further on the relationships involved, in the context of the appointment of a Comptroller and Auditor General? The Prime Minister is involved, as is the Chairman of the Public Accounts Committee, but what is the role of the chair of the National Audit Office in the appointment of its chief executive?

Mr. Leigh: The chairman's role was simply to advise. He is a very distinguished gentleman—he is the dean of the London Business School, and he was head of the Government resources office in the Treasury—and he simply gave me advice. Obviously, I am not going to reveal who was on the shortlist or what happened in the discussions, but I can say that, ultimately, the decision was mine and no one else's. I listened to his advice and that of Tim Burr, the then Comptroller and Auditor General, who was also on the selection panel as he was not a candidate himself. Nick Macpherson, the permanent secretary to the Treasury, also gave me his advice. I chaired the meeting, and I made the decision: I appointed the new Comptroller and Auditor General.

Then, however, my decision had to go to the Prime Minister, and I give him credit for acting promptly, because, within a week, he had approved the appointment. So he, too, had a lock on the process. Of course, it is not surprising that he approved the appointment, because Nick Macpherson was part of the process. If I had insisted on appointing someone who was obviously not qualified, the Prime Minister would have vetoed it. So we each had a lock on it, and that is a very good process.

It might sound democratic to suggest that the House as a whole should vote for the Comptroller and Auditor General, but that would go against everything that I have been arguing for—namely, that the Opposition and the Government should both have a lock on the process. If the House as a whole voted on the appointment, the Government party would effectively appoint him.

Mr. Alan Williams: Does the hon. Gentleman recollect that the one proposal that we turned down from Tiner was his suggestion that the chair should be selected by the Prime Minister and the chair of the Commission? We unanimously rejected that, because the chair of the

[Mr. Alan Williams]

Commission is chosen by the Prime Minister, or by the Government party, and is of the same party. For that reason, we insisted on reverting to the situation that the hon. Gentleman enjoyed.

Mr. Leigh: It was the same process. I am grateful to the Father of the House for his generous offer to surrender his right to appoint the chairman of the National Audit Office, along with the Prime Minister; that was what was originally proposed. We immediately spotted the problem that he has just alluded to—namely, that that would effectively mean that the Government party would appoint the chairman. The right hon. Gentleman therefore immediately, and very generously, surrendered that right. Just as there was an appointment panel for the Comptroller and Auditor General, there was also one previously for the chairman. Again, the Prime Minister, as a member of the Government, and I, as a member of the Opposition, had a lock on that process. So I think that we have the right structure.

The independence of the Comptroller and Auditor General is guaranteed by a jigsaw of measures that hang together as a whole, and we should be very wary of unpicking any one part of it without careful consideration. We do not know what is going to happen in the future. There could be some kind of appalling financial scandal at the heart of the Government, for example, and it is absolutely essential that this man—or lady—is completely independent.

Central to this has always been the fact that the Comptroller and Auditor General also has tenure of appointment and, like a judge, cannot be removed from office except on a vote of the entire House of Commons. The Public Accounts Commission, which I also sit on—it is, of course, separate from the Public Accounts Committee—has concluded that the current unlimited appointment was "anachronistic". I do not think that when Sir John Bourn was appointed anyone spotted that the civil service retirement age at the time was 60: it was rigidly enforced; all senior civil servants had to retire at 60.

5 pm

Mr. Alan Williams: Will the Chairman of the Public Accounts Committee bear in mind that there is an important extra safeguard even there? If a vote of only this House were required, the Government could use their majority, which is why a vote of both Houses is required to dispose of the Comptroller and Auditor General.

Mr. Leigh: I should have made that clear; it is a very important point. In other words, it is virtually impossible to get rid of him. That is absolutely right.

I was saying that the previous appointment was anachronistic and that no one spotted at the time Sir John Bourn was appointed that even though the civil service retirement age was 60, he could basically go on. I had a very good relationship with Sir John Bourn, who was outstanding public servant. Frankly, however, let us be honest about it, 20 years is perhaps too long. The equivalent office in the United States has a fixed single term of 15 years, which we also thought was too long. The Public Accounts Commission thus concluded that a fixed term of 10 years was appropriate. There was some argument over whether it should be eight or 10 years. I think that the Government probably favoured eight years and I would have been happy with eight years, but 10 years is a real good length of time to make one's mark—it could span three, certainly two, Governments.

It is very important that this appointment be non-renewable. We do not want the CAG to suffer the fate of all US Presidents and most new Prime Ministers where the first term is overshadowed by the need to be re-elected. This chap owes nothing to anybody. Nobody can sack him—short of he or she having a hand in the till—and nobody can get rid of him; he is there for 10 years and then he retires.

We need to take great care before tampering with any of the founding legislation, which was carefully drawn to provide broad rights of access and reporting and to safeguard the independence of the CAG as an Officer of the House and the external auditor of the Government. That is not to say that no aspect of the arrangements can be improved upon. I am in favour of the changes proposed in the Bill. I think that the arrangement is being improved, but we need to take great care and to be alert to our old friends—the unintended consequences.

The Public Accounts Commission has worked very closely with the Government to ensure that the clauses improve the governance arrangements of the National Audit Office. I pay tribute to the Government for adopting all that the commission proposed; there was complete agreement within it, as well. We should also pay tribute to the fact that the Government, working with the commission, have ensured that we are not going to undermine the audit independence of the CAG.

The commission agreed that it was possible to separate the internal governance—this is a very important point—of the NAO from the responsibility for making audit judgments, but we recognised that to do so required arrangements that were unique among the panoply of organisational models used in 21st century Britain. What the Father of the House and myself were absolutely determined to avoid was some kind of new corporate structure in which a board could affect the independence and audit judgments of the CAG. I know that there has been some debate about this, and some worries that we were creating something like the Audit Commission—we are not. The CAG is completely independent. This board will deal only with the organisational structure of the body.

The Bill thus proposes no changes that will affect the work—the real and important work—of the CAG in the audit of Government accounts or in the 60 reports on value for money that he makes to the Public Accounts Committee every year. He remains independent. He alone will be responsible for all audit judgments; he alone will maintain complete discretion in the discharge of his office. His access rights are not affected and the results of his work will continue to be reported in full to Parliament through the Public Accounts Committee.

Mr. Dunne: I am grateful to the Chairman of the Public Accounts Committee for clarifying the important tenets of independence that the Comptroller and Auditor General will continue to have in carrying out his day job, if I can put it that way. Will he elaborate a little further on the distinction he made a few moments ago

about the role of the board and the chairman in so far as they relate to the CAG? In a conventional sense, a chairman would normally have some authority over the CAG, but it appears from what my hon. Friend said that that is not intended.

Mr. Leigh: I hope that I am not giving away any confidences by saying that Amyas Morse told me this week that it can be a very lonely job—and, as I have described it, a very important one—and he welcomes the advice of the chairman of the board, Sir Andrew Likierman. The Comptroller and Auditor General can go to him in confidence at any time and ask for his support and advice. However, the arrangement is unique: although Sir Andrew Likierman can give his advice, the buck ultimately stops with the Comptroller and Auditor General.

The Comptroller and Auditor General has a large staff of 800 people who help him to write reports, but he puts his signature on the document, and it is his document and his alone. The board will be involved, for instance, in appointments, such as deciding who should be deputy Comptroller and Auditor General, what the travel arrangements of the Comptroller and Auditor General should be, and what should be the size of the staff. It was wrong that, under the previous incarnation of Sir John Bourn, who was a fine public servant, the Comptroller and Auditor General was a complete dictator—that was always the case; Sir John did not change anything in that regard. He not only had complete independence on his audit judgment, which is right, but appointed all the deputy Comptroller and Auditor Generals, decided the travel arrangements and everything else. In the modern world, one cannot go down that route. One must have a modern corporate structure, involving a board, as long as the board does not tell the Comptroller and Auditor General what to do in relation to his audit judgments.

Mr. Andrew Tyrie (Chichester) (Con): Does the Chairman of the Public Accounts Committee agree that, taking all things into account, we now have a structure that deals to some degree with the loneliness problem, and creates a relationship between the board chairman and the CAG that will enable the morale of the NAO to be not only sustained but strengthened? Does he also agree that the work of the Public Accounts Commission, and particularly of its chairman, was instrumental in enabling such significant changes to be made without damage to the morale of the NAO, at a time when the structure had a sense of fragility about it?

Mr. Leigh: As I understand it, morale in the National Audit Office is now very high. It went through a sticky patch—there is no point denying it—and there was bad publicity, much of it unfair, but that is now past us. Morale is high and people feel that the structure is fair and open, that people are appointed entirely on ability, and that their career is judged by a number of people sitting on the board, the chairman and the non-executive directors. I believe that we have got it right, and for that reason, I oppose the amendments, as they serve to define the Comptroller and Auditor General's audit purpose and to open up discussion of his access rights, neither of which was covered by the review commissioned by the Public Accounts Commission that led to this part of the Bill.

We do not need to define the Comptroller and Auditor General's access rights. He has all the access he needs. Make no mistake: the National Audit Office can interview any civil servant, open any filing cabinet, and report on anything it likes. Having been Chairman of the Public Accounts Committee, I assure the House that no restraint or inhibition is placed on the Comptroller and Auditor General doing his job. Clause 37 is right, and gives him the power he needs.

David Howarth: May I say that I was immensely reassured by the speech of the Chairman of the Public Accounts Committee? It is vital that the Comptroller and Auditor General remains absolutely independent in judgment. Whatever the governance arrangements and administrative structure built up behind the Comptroller and Auditor General, his judgments—perhaps hers in the future—on reports must be independent. As the Chairman of the Public Accounts Committee said, that is built into the entire structure, the cross-party nature of the appointment and the nature of the office.

I shall not pursue the argument about the overall structure of the Bill. I fully accept that the commission and the Government have struck the right balance in relation to the NAO and its board, so I shall not detain the Committee for long. I intend simply to comment on the amendments and new clause, and to ask a question about the application of clause 37 which I hope the Minister will be able to answer.

I agree with the Chairman of the Public Accounts Committee that it would not be a good idea to define the functions of the Comptroller and Auditor General too closely. Any such definition might result in a restriction that we would not want to see. However, I think it worth asking about a particular aspect of new clause 41. The new clause states:

> "The purpose of the following provisions is to further strengthen Parliamentary control and supervision of the expenditure of public money".

One of the problems that I see with the present structure, not in theory but in practice, is that it is far better at supervision than control. In other words, it is far better at looking back than looking forward. The Comptroller and Auditor General has two roles. The job of Comptroller is the forward-looking job of ensuring that the Government do not obtain the public's money for purposes that have not been authorised by the House, while the job of Auditor General is that of looking back to see whether that money has been properly spent. I think that, at some point, we must consider the important question whether the arrangements for the forward-looking role are as strong as they could be, and as strong as the arrangements for the backward-looking role.

I disagree with the PAC Chairman about amendment 78. The hon. Member for Luton, North (Kelvin Hopkins) made clear that what concerned him was the problem of bodies which are not, in organisational form, public bodies at all but private trusts or companies of various sorts, but which are in reality carrying out public functions. That is the whole point of the discussion of contracting out. I think that the Chairman was referring to issues relating to non-departmental bodies, in respect of which the National Audit Act lays down clear guidelines on the Comptroller and Auditor General's powers. I understand that there is no power of the kind that the hon. Member

[David Howarth]

for Luton, North is suggesting in the existing legislation. The point is that there should not be anything in the way in which we set up our audit arrangements that biases the entire system in favour of contracting out. Similarly, there should be no bias against contracting out.

It seems to me—and I think the amendment raises this point—that an immensely effective audit system involving great powers, which successfully terrorises public officials into compliance with their duties but does not apply to private organisations that carry out state functions under contracting-out arrangements, effectively gives those organisations a huge advantage over the state.

Mr. Leigh: I have taken advice on this. The Comptroller and Auditor General has statutory access to contractors for the purposes of examining the public body concerned, but the National Audit Office does not think it would be appropriate for him to have access to suppliers' commercial records further than is needed to audit public bodies. I think that we only need to secure access to the part of the contractors' work that directly affects his contract with the Government.

David Howarth: That is absolutely right. The purpose is thought to be only to audit the Government Department and not to have any access to the private body, but I think that is a problem under current arrangements. As I remember it—I might be wrong on this—if a Minister agrees and the body agrees, there is further possibility of an audit of a private body. I am, however, unsure whether that is often invoked.

The problem that has been identified is worth thinking about, but I am unsure whether the proposed solution is the right way to deal with it, as that is a discretion at large, which might produce problems in itself.

5.15 pm

Mr. Leigh: The Bill is primarily about the governance of the National Audit Office; it is not about audit rights. We in the Public Accounts Commission thought it wise for the Bill to concentrate on the governance, as that is set in concrete and is permanent, whereas audit rights can change over time. Indeed, only last week the Government announced that the NAO was for the first time to be allowed to audit the Financial Services Authority. We have also got a long-running campaign to audit the BBC. If the Bill starts getting into the territory of contracts, suppliers and so forth, that could make things quite messy and difficult in terms of an Act of Parliament that we hope will last for many years.

David Howarth: I accept that point from the Chairman of the Public Accounts Committee. In fact, many of these considerations are themselves legislative, because they are all to do with issues such as, for instance, which bodies are listed in schedule 4 to the National Audit Act 1983. There has not been a long and organised debate that can advise the Committee on this issue, but I think the hon. Member for Luton, North (Kelvin Hopkins) has raised an important point, and although I do not expect him to press his amendment to a vote tonight, I would like the Government to accept that it is a matter that it worthy of further debate.

Mr. Dunne: I do not intend to detain the Committee for long, but I would like to follow up the observation I made to the Chairman of the PAC, my hon. Friend the Member for Gainsborough (Mr. Leigh). He has described the process governing the first appointment under this legislation—although it has not been enacted yet, of course. He said that the chairman of the NAO was able to offer his advice to both the Chairman of the PAC and the Prime Minister, which is proper. However, I would like the Minister to explain what would happen if the NAO chairman were unhappy about the appointment being made. There seems to be no provision in this clause for formal consultation; that just happened by way of practice rather than under statute. Does that not leave the NAO open to the possibility of having a fractious appointment imposed over the head of the chairman of the body?

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): It is a pleasure to serve under your chairmanship this afternoon, Sir Alan.

This part of the Bill implements the recommendations of the 15th report of the Public Accounts Commission. I would like to begin by paying tribute to the work of the NAO and the Comptroller and Auditor General. Part 7 of the Bill modernises the governance arrangements for national audit and continues the office of the Comptroller and Auditor General as an independent officer of the House of Commons, but limits the term of office to a single appointment of 10 years.

David Howarth: At this point, will the Minister clear up one particular problem with the drafting of clause 37? Clause 37(1) says:

"The office of the Comptroller and Auditor General is to continue",

but it does not say that the person currently in office will continue to hold that position. Can the Minister confirm that that is the Government's intention, and that these arrangements will not apply until the next appointment?

Sarah McCarthy-Fry: I can certainly confirm that that is the Government's intention. After all the work the Chair of the PAC has done on the appointment of the current Comptroller and Auditor General, he would be most unhappy if we had to go through the process all over again.

The Bill provides for the establishment of a new corporate body—the new National Audit Office—whose functions will include providing resources for the Comptroller and Auditor General's functions, monitoring the execution of those functions and approving the provision of certain services. Importantly, the new NAO will be able to support and challenge constructively the CAG's decisions without, of course, preventing him from carrying out his statutory responsibilities.

I come to the proposals made by my hon. Friend the Member for Luton, North (Kelvin Hopkins). As he was not feeling too well during the Second Reading debate, he did not get on to the points he wanted to make about the national audit provisions—I hope he is feeling better today. Amendment 68 would set out in statute that the principal function of the CAG is to further the purposes of national audit, which he set out in new clause 41. Amendment 78 would enable the CAG to have access to

thousands of private sector companies that supply central Government. I thank the hon. Members for South-West Hertfordshire (Mr. Gauke), for Gainsborough (Mr. Leigh), for Cambridge (David Howarth) and for Ludlow (Mr. Dunne) for their contributions to this debate. Most who spoke this afternoon are of the same opinion; we welcome the contribution that these proposals have made to the debate, but the consensus is that they are not necessary. I shall now discuss the detail, where we have been extremely fortunate that the Chair of the Public Accounts Committee was able to share his insight into the appointments process.

On new clause 41, of course the CAG exists to assist Parliament in holding the Government to account for the use that they make of public funds and, in doing so, promotes the objectives that my hon. Friend the Member for Luton, North mentions. I can assure him that the Government value that work as much as he does. I cannot dispute the fact that the effect of the arrangements in this part of the Bill will indirectly strengthen parliamentary scrutiny, but that is not their primary purpose.

The Government are implementing the recommendations of the Public Accounts Commission's 15th report. In doing so, we are accepting the commission's two driving principles. The first is the need to ensure that the CAG has authority to form completely independent judgments about the audits and value-for-money studies conducted by the NAO. The second is the need for the NAO to maintain systems of governance and internal controls consistent with best practice. When we prepared the provisions in part 7, we took the utmost care not to jeopardise the CAG's independence in those areas.

As now, the Public Accounts Commission will oversee the work of the CAG and the NAO—indeed, its role is increased by these reforms. However, it would be inaccurate to describe the main purpose of this part of the Bill as strengthening parliamentary control, because, as the Chair of the Public Accounts Committee said, its focus is rather on strengthening governance.

I would add that the Government are doing a number of things to improve parliamentary scrutiny of government expenditure. Hon. Members will be aware that the Government provided a memorandum to the Liaison Committee in March containing formal proposals to Parliament for better alignment between budgets, estimates and accounts. The memorandum explained the plans to simplify the Government's financial reporting to Parliament, ensuring that they report in a more consistent, transparent and straightforward fashion on spending plans, estimates and expenditure outcomes. I hope to assure the hon. Member for Cambridge that further work on the way Parliament supervises expenditure continues in a number of ways, including through the work of the Select Committee on Reform of the House of Commons, which is expected to bring forward its proposals shortly.

Mr. Gauke: Can the Minister explain, therefore, why the Government have, in recent years, refused to publish the whole of Government accounts? For the past two years the work has been done but the information has not been released—I believe that we are going to have to wait until 2010 for it.

Sarah McCarthy-Fry: I can only say to the hon. Gentleman that, as I said just now, further work is ongoing on what we can introduce. We want to be more transparent and to have a better way of ensuring that we can look at our spending plans, our estimates and the expenditure outcome.

We all agree, of course, that it is important that Parliament should continue to play an active role in scrutinising the expenditure of public money, but we do not think that a declaratory provision of the type envisaged in the proposed new clause accurately reflects the purpose of the provisions.

On amendment 68, the national audit responsibilities of the Comptroller and Auditor General are already set out in legislation, and within those responsibilities some matters are left to the Comptroller and Auditor General's judgment and discretion, such as whether to carry out a value-for-money examination into a particular subject. That is consistent with his independent role in holding the Government to account.

Part 7 of and schedule 7 to the Bill already draw an important distinction between the services to be provided by the Comptroller and Auditor General. The resources available to the Comptroller and Auditor General fall into two categories, those whose allocation is at the sole discretion of the Comptroller and Auditor General and those for additional but important services, which require National Audit Office approval.

We do not consider it to be necessary or desirable to impose any further restriction on the way in which the Comptroller and Auditor General and the NAO choose to exercise discretion on the use of resources by suggesting that one function should be elevated to the status of a principal function. We consider that, while all the work carried out by the Comptroller and Auditor General is important, the provisions relating to the use of resources give a clear indication of where the Comptroller and Auditor General's priorities lie.

Beyond that, it is for the Comptroller and Auditor General and the National Audit Office, within the framework established by the Bill, to establish priorities. That is consistent with the independence of their roles.

Before I move on to discuss amendment 78, the hon. Member for Ludlow asked me a direct question about what would happen if the NAO chair did not get on with the Comptroller and Auditor General. It is right that it is for the Prime Minister and the Chair of the Public Accounts Committee alone formally to make the appointment. The NAO chair would serve only in an advisory capacity and he would not be the one who was making the final decision.

Mr. Leigh: Let us be practical about this. We worked as a team. I was sitting there with Nick Macpherson, the permanent secretary to the Treasury, with Andrew Likierman and with Tim Burr. Although the decision was ultimately mine, I would not have insisted on proposing somebody who was unacceptable to the permanent Secretary to the Treasury. What would have been the point of that? I do not think that I would have insisted on proposing somebody who was completely unacceptable to the chairman of the NAO. What would be the point? In the real world, those involved act together as a team but ultimately one person has to make the decision, and that is the Chairman of the Committee.

Sarah McCarthy-Fry: That is absolutely true.

Mr. Alan Williams: To meet that situation, we built in a requirement that there should be a code to govern the relationship that they had to develop within the board and to govern the relationship between the CAG and the Chairman. That code has been agreed, as has a strategy, and both have already been approved by the commission.

Sarah McCarthy-Fry: I thank the Father of the House for that intervention, too. It is important that we have seen the practicalities of how these decisions are made and I do not think that it would be necessary to put anything on the face of the Bill.

Mr. Dunne: The Minister referred a moment ago to the powers of the Public Accounts Commission being strengthened by the Bill. In the context of the exchange that we have just had on the point that I made earlier, will she reflect on how that will be achieved if the new board of the NAO is enhanced or enlarged with more non-executive members and a new chairman? Surely much of the advisory role that the commission has been able to play in the relationship with the Comptroller and Auditor General will now be supplanted by the board, in which case the powers of the commission will be reduced.

Sarah McCarthy-Fry: I do not agree. Although we are reforming it and making the NAO more accountable, there is still a very powerful role for the commission, which will be holding these people to account. We have demonstrated what the commission has done to enable us to get to this stage. I still envisage that it will play a powerful role in the future.

May I move on to amendment 78? We all recognise that the Comptroller and Auditor General should have access to the information that he needs to be able to access documents. I think that we have heard that he already has a considerable power to get to the documents that he needs, but amendment 78 would result in a considerable extension of his reach that is not necessary or justified at this stage.

5.30 pm

The CAG already has a statutory right of access to documents held by, or under the control of, not only Government Departments but also a wide range of other public bodies and bodies that are in receipt of substantial Government funds. However, the purpose of this access is to allow him to audit effectively the accounts of Government Departments and to carry out value-for-money examinations with access to all relevant information. These powers allow him to ensure that public money has been used for the purposes approved by Parliament and report on whether it has been well used.

Allowing the CAG access to the books of thousands of individual suppliers in the way proposed is another matter altogether, and would require very clear justification. Thousands of non-governmental organisations and private companies provide services to the Government. The amendment could harm the relationship between the Government and their suppliers.

Many Government suppliers are small businesses or charities that are financed to fulfil Government policies. Others are larger accountancy and consultancy firms that are used to provide expertise that the Government do not have in-house. Suppliers of goods and services have already been through an extensive tendering process, not just to check whether the goods and services can be provided at best value for money but also to ensure that the suppliers are reputable and can fulfil the order. If public bodies are failing to achieve value for money in their dealings with the private sector, the CAG already has the powers to examine and report on the use that such bodies are making of public funds.

I am always willing to listen to concerns that the powers of the CAG are inadequate, but I do not think that is the case in this instance. The amendment runs the risk of being an unwanted intrusion, without offering any clear improvement to the ability of the CAG to perform the task that Parliament has given him.

I listened very carefully to the arguments presented by my hon. Friend the Member for Luton, North, but I am not convinced that they are necessary and I hope that he will withdraw his amendment.

Kelvin Hopkins: I give notice that I shall seek leave to withdraw amendment 68, but I want to make a few remarks in response to the debate. First, I thank my hon. Friend the Minister for her kind remarks about my health: it is improving but it is not quite there yet.

The amendment has provoked a debate, and that is important. I was particularly impressed by the speech from the hon. Member for Gainsborough (Mr. Leigh), the Chair of the Public Accounts Committee. I thought it was clear, strong and impressive, and it is good to restate these matters. I know that many people in this Committee share his view; I certainly do, and my intention with the amendment was to maximise the strength of the CAG and the NAO—I did not want to restrict either of them in any way. That intention was most true of amendment 78, which the Minister said was impracticable and unnecessary. However, there was an argument to be had and a point to be made, and I thank the hon. Member for Cambridge (David Howarth) for giving what I was saying a degree of support.

I am absolutely passionate in my belief that we must make sure that the strength of the legislature in relation to the Executive is maintained—and, indeed, improved, as I do not think that it is strong enough now. The roles of the CAG and the NAO play a crucial part in that.

I like to think that I have provoked a useful debate, and that I have made some points that needed to be made. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 37 ordered to stand part of the Bill.

Clause 38

STATUS OF THE COMPTROLLER AND AUDITOR GENERAL ETC

Question proposed, That the clause stand part of the Bill.

Mr. Gauke: Clause 38 deals with the status of the Comptroller and Auditor General. Subsection (8) highlights and signposts the provisions in clause 43 and schedule 6, and in clause 44 and schedule 7. It may be helpful to the Committee and reduce the time that we need to debate subsequent points if we address some concerns that have been expressed about the new governance structure.

Those concerns have been raised in particular by Professor David Heald, who is a former adviser to the Public Accounts Commission. Perhaps, in the spirit of the hon. Member for Luton, North (Kelvin Hopkins), I can provoke a debate.

Professor Heald's concern is that the role of Parliament may well be diminished by the creation of the NAO board. In an article he stated:

"This insertion of the NAO Board between the Public Accounts Commission and the C&AG creates dangers. Governments might use the chair and board as a means of curtailing the activities of the comptroller, particularly in the more judgmental value for money sphere and in relation to the outsourcing of audit work."

His concern is that that body will have some influence on the CAG. The Chairman of the Public Accounts Committee made it clear how important it is that there is independence for the CAG and how important, therefore, the appointment structure is. There is a role for the NAO in the approval of strategy and in the provision of resources. The concern is whether the Executive, through the chair of the NAO board, could influence the CAG.

The other concern is that if the chairman of the NAO board is strong, there is a risk of interference. If he or she is weak, what is the point? Is this merely a distraction of management effort—of effort by the CAG—that could otherwise be focused on other things? I hope it is helpful to the Committee for me to put those concerns on the record and give the Chairman of the Public Accounts Committee an opportunity to respond, although in some respects he addressed those concerns in his earlier remarks.

Mr. Alan Williams: Under the Bill, the CAG retains his absolute discretion in relation to his statutory duties. It cannot endanger his statutory duties at all.

Mr. Gauke: Indeed. The Father of the House states the essence of that case. The alternative case, as advocated by Professor Heald, is that there is still a body that has influence with respect to the provision of resources in establishing the strategy for the NAO, and that that body could be used to influence. The Father of the House rightly makes the argument against that and I suspect that the Committee will be satisfied by that, but it is helpful to put it on the record and for him to put the counter-argument.

As hon. Members have said, we are dealing with an important organisation. Other countries often look to what we do as an example of an effective means of scrutinising public expenditure. We must get it right, because it is important both in the UK and internationally. The concern is that the private sector corporate governance structure that we are putting place may not be appropriate for the very particular needs that exist in this area. I am not endorsing that line of argument, but it should be stated. I look forward to others addressing those concerns.

Mr. Dunne: I endorse my hon. Friend's tentative concerns and shall start where he finished—on the extent to which international bodies look to the NAO as a beacon of light in the scrutiny of public expenditure. I have personal experience of the issue from my time on the Public Accounts Committee and, latterly, as a governor of the Westminster Foundation for Democracy. We have entered the Westminster Consortium, a relationship with several other parties that are involved in parliamentary strengthening, and one of them is the NAO. Earlier today, we had an away-day to talk about how we can do more working together, to spread best practice from this Parliament to other Parliaments throughout the world. It is very valuable work, and the Foreign and Commonwealth Office, the Department for International Development and Governments throughout the world recognise it as such. Although we may think that we are dealing with legislation in isolation, we should not forget that others will look at and, perhaps, imitate the structures that we are putting in place to provide for the NAO's corporate governance over, I hope, the next decades. In that context, it is right that we raise concerns about the proposal.

I do not have concerns in principle, because they were well addressed earlier in the debate by my hon. Friend the Member for Gainsborough (Mr. Leigh), the Chairman of the Public Accounts Committee. However, we must recognise that, essentially, we are introducing a corporate governance structure to an entity that is not a corporate: it is an entity with a chief executive, in the form of the Comptroller and Auditor General, who quite rightly has enshrined in statute a degree of independence and autonomy in terms of his work on audit and value for money, as my hon. Friend and the right hon. Member for Swansea, West (Mr. Williams), the Chairman of the Public Accounts Commission clearly explained.

Mr. Alan Williams: May I clarify that it was in that very area of work, throughout the world and so on, that some of the trouble arose? It is non-statutory work. In that respect, it is true that the board can circumscribe the activities, because that is part of its role and duty; however, it must not and cannot interfere with the statutory duties.

Mr. Dunne: I completely understand that point and am grateful for that clarification. Indeed, as the Father of the House has just made clear, the purpose of the proposals was to deal with deficiencies in the oversight and scrutiny of two simple things—the expenses and the duration of appointment of the Comptroller and Auditor General. To deal with those two relatively minor aspects, however, we have this substantial piece of legislation, and a new panoply of corporate governance that will be injected into the NAO.

All I seek to do is point out to the Minister that we are establishing a panoply of corporate governance that could lead to confusion in the NAO, when all that is required is the scrutiny of those two aspects: the longevity of appointment, about which there is no disagreement at all; and, the board's oversight of expenses and NAO organisation, which may be rather more demanding than was intended of the organisation's time.

David Howarth: The hon. Gentleman must have covered the point by now, but will he clarify that he did not mean that there was any doubt, from the legislation's drafting, that the Comptroller and Auditor General's functions of audit, examination and inspection, which are central to his job, would be in any way compromised? They are specifically preserved by the drafting of schedule 7.

Mr. Dunne: Indeed. If I have given the impression that I am concerned about that, I would like to correct it. The hon. Gentleman has made that clear, and I agree with him.

5.45 pm

Mr. Alan Williams: The hon. Gentleman is right in what he said about expenses. We virtually dealt with that by having the CAG look at the expenses proposals and come to see me about them. However, the problem of governance was not just about expenses—it was about the staff of the organisation, who, as the Chair of the Public Accounts Committee indicated, were dependent on the good will of the CAG for their advancement, salary increases and so on. There was a much wider and more dangerous governance problem that could damage the organisation.

Mr. Dunne: I am grateful for that clarification. I understand the need to put in place structures to help the internal career progression for senior people in the organisation, if that is what the right hon. Gentleman is seeking to achieve.

I am not as concerned about what the role of the CAG will be in this new construct as about what the role of the chairman of the board will be. Of course, there is already a chairman in place; he was appointed before the Bill was drafted, so although he may have had some idea of what would be in the legislation, he took on the position without knowing for certain what was involved. My concern—this comes back to the definition in schedule 6 rather than clause 38—is about how the chairman is going to find a worthwhile function for himself in chairing a board where he has very little power other than to check the expenses of the chief executive.

Mr. Leigh: Perhaps I can explain how the National Audit Office will work as a corporate entity. As such, it will be constituted as a board comprising five non-executive members, including its chair, and four executive members, including the Comptroller and Auditor General, who will also be its chief executive. The board's role, in essence, will be to develop a strategy for the office as a whole, not a strategy for audit judgments or to tell the CAG what to investigate: that is absolutely clear. The board's role will be to secure funding for the Public Accounts Commission, to monitor the delivery of the overall strategy and to report publicly on what is being achieved.

As I have already said—but it is worth putting it on the record because Professor Heald has made these comments—the CAG's statutory audit responsibilities are completely ring-fenced; they are not transferred to the board. The board has nothing to say about or to do with his statutory audit functions. The Bill will merely ensure that in future these activities are carried out within the governance of the NAO as a whole, as a modern and robust organisation. The relationship with the CAG and the board will be regulated by code, which, under the terms of the Bill, will be approved by the Public Accounts Commission.

I believe that the CAG—this is what he has told me—will benefit from the engagement of non-executives. Indeed, in so far as has been possible, the CAG has started to operate the new arrangements on a voluntary basis. The non-executives have already been appointed, and I understand from the CAG that they have already made a helpful contribution to the development of the strategy. In relation to the establishment of the NAO as a corporate entity, I am satisfied that sufficient safeguards are in place to reconcile sound governance with audit independence.

I want to put on the record an important point made by Professor Heald. Let us think of the fantastical notion that the Government might put some sort of pressure on the chairman of the board to circumscribe the independence of the CAG. That is extremely unlikely. However, even if the Government attempted it, and even if the chairman listened to their advice, which is also extremely unlikely—why should he?—the CAG could ignore it. I do not know where Professor Heald is coming from.

Even if there were a problem, the CAG would have the right of access straight to the commission. We are not circumventing the commission's powers. It, not the Government, sets the budget of the NAO. Say the CAG were to make critical remarks about the Government. Would the Government have any say over the budget of the NAO? No. Uniquely for a Government body, its budget is set by an independent Committee of this House, the Public Accounts Commission, which by the way is not the client of the NAO. The client of the NAO is the Public Accounts Committee, and that is why the commission sets the budget.

I am afraid that I have to put it on record—it is very important—that Professor Heald is wrong. We are not in any way circumscribing the independence of the CAG, and I am glad that we have had this debate so that we can put that on the record.

Sarah McCarthy-Fry: It is indeed important that we have had this debate and put that on record. Of course, the Public Accounts Commission took evidence from Professor Heald and disagreed with him. The CAG will continue to have complete independence. The recruitment of the chair is intended to enable the appointment of a strong adviser to support and challenge the CAG, but it will not be the job of the chair to hold the CAG to account. That, of course, is the job of the commission. The clause ensures that the CAG will continue to be independent of outside influence and interference, as is currently enshrined in the National Audit Act 1983, the relevant provisions of which the clause reproduces.

As the Chairman of the Public Accounts Committee, the hon. Member for Gainsborough (Mr. Leigh), mentioned, schedule 7 provides that the NAO and the CAG should jointly prepare a strategy for the approval of the commission. That strategy is to set out the national audit functions, a plan for the use of resources and a maximum amount of resources to be provided by the NAO in a particular financial year. It is for the CAG to decide what resources are needed for his core statutory functions, and the NAO has to provide him with those resources. The hon. Gentleman also mentioned the fact that the relationship between the NAO and the CAG will be set out in a code of practice, which must be approved by the commission.

We have had a useful debate, and we have all managed to get on record the importance of the complete discretion and independence of the CAG.

Question put and agreed to.

Clause 38 accordingly ordered to stand part of the Bill.

Clause 39

PROVISION OF SERVICES

Question proposed, That the clause stand part of the Bill.

David Howarth: I want to ask about the necessity of this clause. The Father of the House might correct me, but I do not remember its being referred to in the Public Accounts Commission's report.

Whenever one sees a clause that creates powers to do something that has been done for a very long time, it sets alarm bells ringing. May I ask the Minister whether there is any doubt that the CAG has the power to enter into the type of agreement referred to in the clause, or any doubt about whether anything done in the past is valid?

Sarah McCarthy-Fry: I am happy to respond to the hon. Gentleman. The clause does not set out a new power. In the past the CAG has relied on his legal powers as a natural person and corporation sole to enter into agreements and provide non-statutory services. The clause puts that on a statutory footing, and we do not consider that that will add to or restrict the current powers of the CAG, although some of the services provided under that power will now require the prior approval of the NAO. That is under a later provision of the Bill.

David Howarth: In a way that is a rather disturbing answer, because clause 38 already states:

"The Comptroller and Auditor General continues by that name to be a corporation sole."

I am still concerned about what the precise necessity is for the clause. It might be a belt-and-braces approach, but I still cannot see why it is necessary.

Sarah McCarthy-Fry: I think "belt and braces" is probably an appropriate description! The CAG carries out a huge range of important work in addition to statutory responsibilities: auditing international institutions; consultancy on public audit; and providing support to other Select Committees. The clause is just a general statutory power to carry out such work under the new arrangements.

Question put and agreed to.

Clause 39 accordingly ordered to stand part of the Bill.

Clause 40

Remuneration package of the Comptroller and Auditor General

Mr. Gauke: I beg to move amendment 57, in clause 40, page 20, line 20, at end insert—

'(10) All remuneration, allowances and expenses in relation to P must be published monthly online.'.

In relation to the clause and the amendment, P refers to the Comptroller and Auditor General. As we have heard, the reform of the governance of the CAG has largely been driven, or provoked, by the difficulties regarding Sir John Bourn's expenses. As the Chairman of the Public Accounts Committee said, there was a sticky patch. The amendment would address that in perhaps the simplest way possible—by introducing much greater transparency.

There is obviously a sensitivity with regard to the CAG's remuneration and other expenses, given that his role is to identify waste in public spending. Therefore, it seems right that he should be assessed with great scrutiny. He should lead the way in moves towards scrutiny of public spending, which should include spending relating to him.

If we have time—time is short again today—I hope we can have a longer debate on the wider issue of the transparency of public spending when we discuss part 8 of the Bill, but to ensure that the CAG is above suspicion, such information should be in the public domain.

Mr. Alan Williams: The CAG already submits his expenses to me as Chairman of the commission and publishes them on a six-monthly basis which, we are assured, goes further than for any other public servant. He is therefore already ahead of the game elsewhere in Whitehall.

Mr. Gauke: The Father of the House makes a good point—the CAG is further ahead. On the whole, we believe there should be greater transparency in public spending, and the CAG could be yet further ahead. I accept that he submits expenses to the Father of the House in his role as Chairman of the Public Accounts Commission, but by putting them in the public domain we would prevent any repetition of what happened with Sir John Bourn, even though such information goes into the public domain every six months.

Our proposal is a matter of going further. As a rule, we think information on how public money is spent should be in the public domain and published online. The CAG in particular needs to be above suspicion.

To avoid—I hope—the need for a separate stand part debate, clause 40 states:

"P's package is to be determined jointly by the Prime Minister and the"

Chairman

"of the Committee of Public Accounts before the start of the appointment."

There is a great deal of flexibility within the clause, which is welcome and sensible, because there are dangers in being too prescriptive, depending on the nature of the CAG candidate. However, we are lucky enough to have the Chairman of the Public Accounts Committee in the Chamber, and perhaps he is in a position to say something further on the thinking behind the package. For example, there has been talk about linking it to the salary of the Treasury permanent secretary or the Lord Chief Justice. Historically, there was a link with High Court judges. We have to recognise that we want to get the right person, and pay in the private sector for audit work has increased substantially over the past 20 or 30 years or so. If the CAG is not paid enough, it will have a knock-on effect on everyone else working in the NAO. It is important to get the figure right so that we get the right people.

6 pm

It is also right that no performance-related pay is included. It was recommended by the Tiner review, but it could lead to some sort of influence being put on the CAG. The proposals do everything they can to preserve the independence of the CAG and that is welcome. Subject to those queries, we have no objection to the clause, other than to say that it would be strengthened by amendment 57 to put on a statutory basis the publication online of details of the remuneration, allowances and other expenses of the CAG.

Mr. Leigh: I am fairly relaxed about amendment 57. The CAG publishes details already of all his expenses and allowances. The commission had a discussion about the pay. It is true that traditionally the CAG has received the same salary as a High Court judge. We did not think that that was appropriate any more, because that is fixed and, in order to get a very high-calibre candidate, it might be necessary to pay more than that. When we put in the advertisement, we said that the package would be broadly in the permanent secretary range. That is an attractive salary, and it is useful to do it that way, because permanent secretaries are paid between £140,000 and £230,000 a year.

There was some discussion about whether we should link the pay to that of the Lord Chief Justice. Personally, I liked that idea, because I am convinced—having done my job for eight years—of the very great importance of the CAG. It would have sent a message if we had made that link, but I suspect that the Treasury was not entirely happy with that. So we reached a compromise. It is not necessary for me to say in Committee what the CAG actually earns—it is published, it is a good salary and we got a high-calibre candidate.

Finally, it is important that the CAG, like permanent secretaries, should not be subject to appraisal by anybody and he should not receive any bonuses. The best approach is the one that we have taken—with the Chairman of the Public Accounts Committee working with the Prime Minister to set a good salary at the level of a permanent secretary. Let us stick to that. It can go up every year by inflation, but no bonuses should be paid and no appraisal made. That is part of the CAG's independence.

Mr. Dunne: I support amendment 57. It is obviously ironic that Members should be talking about the pay and rations of others today, but in this case it is appropriate for the individual who will be the primary custodian of probity in public finance to be prepared to show the way in terms of transparency about pay and rations. We are all acutely aware of the increased transparency that will apply to public figures paid from the public purse, who will have to make that information available. For the CAG to lead the way will set a good example to others in the public sector and will make his job easier. For all those reasons, this is an appropriate amendment.

Sarah McCarthy-Fry: Of course, we share everybody's wishes for greater transparency, and, as has been said by many Members, the CAG has been leading the way on that. At an administrative level, the NAO already provides for advance approval of the CAG's expenses by a non-executive member of its audit committee, with recourse to the Public Accounts Commission if necessary. Expenses are discussed with the chairman of the NAO audit committee in advance, and the CAG expenses follow, as far as possible, permanent secretary rules. In addition, since 2007, the expenses and hospitality records of all NAO senior managers, including the CAG, have been published on its websites for each six-month period. We welcome that commitment to transparency.

The CAG's remuneration package is set before he takes office and then has effect for the full term of office, subject only to uprating, which is permitted, but only in line with a predetermined formula. As was mentioned, the current range for a civil service permanent secretary is fairly wide—a minimum of £140,000 to a maximum of £273,000. In the interests of transparency, I have no objection to saying that Mr. Morse is being paid £210,000 per annum, which is mid-range. The CAG's remuneration is reported in the NAO annual report and accounts. Given that it will change only once a year, in line with the annual uprating formula, I see no great advantage in requiring the NAO to report each month on the salary.

The other information that hon. Members wish to be published is available already on the NAO website, albeit only six-monthly, not monthly. I think that six months is fine, given that there has to be advance approval for it, so I do not think that the amendment is necessary. I ask the hon. Gentleman to consider withdrawing it.

Mr. Gauke: I am grateful to the Minister for providing the information about the current CAG. Given that he was previously a partner at PricewaterhouseCoopers, I suspect that he has taken a substantial pay cut to perform this role. Nothing I say is meant to suggest that Mr. Morse has acted improperly. However, given that we are legislating on the set-up for the CAG, it would be helpful to specify on a statutory basis what the CAG should do. That point should apply more widely within the public sector. Rightly, it now applies to Members of the House. It would improve the structure and lead the way, and it would not cause any harm or unwarranted embarrassment to the CAG. I seek, therefore, to press the amendment to a vote.

Question put, That the amendment be made.

The Committee proceeded to a Division.

The First Deputy Chairman of Ways and Means (Sylvia Heal): I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The Committee divided: Ayes 201, Noes 274.

Division No. 239] **[6.8 pm**

AYES

Alnyle, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Duddridge, James

Duncan, Alan
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Skinner, Mr. Dennis
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Sammy
Winterton, Ann
Young, rh Sir George

Tellers for the Ayes:
Mr. Philip Dunne and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan

Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Ryan, rh Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony

Tellers for the Noes:
Helen Jones and
Mr. Bob Blizzard

Question accordingly negatived.

Clause 40 ordered to stand part of the Bill.

Clause 41 ordered to stand part of the Bill.

Clause 42

Employment etc of a former Comptroller and Auditor General

David Howarth: I beg to move amendment 29, page 20, line 33, leave out 'specified person' and insert 'Advisory Committee on Public Appointments'.

The First Deputy Chairman: With this it will be convenient to discuss the following: amendment 30, page 20, line 35, leave out subsection (3).

Amendment 31, page 20, line 36, leave out subsection (4).

David Howarth: The amendments relate to discrepancies between the contents of the Bill and the Public Accounts Commission report. I want to give the Government an opportunity to explain the difference between the two.

Amendments 29 and 30 are simply about who is to be consulted before the Comptroller and Auditor General is allowed to undertake any further employment after the end of his period in office. The commission said that the Advisory Committee on Public Appointments had to be consulted, whereas the Bill says that some "specified person" who will be

"specified from time to time by the Commission"

must be consulted. The Bill is therefore less specific than the recommendation from the commission.

Clearly, the provision is important, and public confidence in the office of Comptroller and Auditor General must be maintained. It is possible for conflicts of interest apparently to arise in almost any sort of future employment—not just in organisations previously subject to the audit powers of the Comptroller and Auditor General, to which the rest of the clause applies, but those in the private sector. My first question is "Why has that change been made?"

6.30 pm

My second question relates to an even bigger difference between the commission's recommendation and what is proposed in the Bill. It concerns circumstances in which the Comptroller and Auditor General, after leaving office, proposes to take up employment with a body that has previously been within his or her jurisdiction for the purposes of audit. The Bill imposes an absolute ban on such appointments for a limited period of two years.

The commission, taking a much stricter view, suggested a lifelong ban, stating:

"It is obviously essential that subsequent employment could not be seen as a reward for actions taken while C&AG, and for that reason there should be a lifetime prohibition on a C&AG or former C&AG accepting any post in any body which the NAO has audited or which is in the gift of the Government."

Given the very proper concerns that have been expressed throughout the debate about the independence of the Comptroller and Auditor General and the commission's clear recommendation of a lifetime ban, I simply ask the Government why they have opted for such a short period.

Mr. Alan Williams: The proposal relating to the advisory committee is certainly what we originally recommended. I think it was then suggested that there might be a more appropriate body at the time, and that the arrangement should therefore be left open. It was not a case of precluding what had been proposed originally; it was merely a case of leaving things open so that a decision could be made at the time.

We considered the lifetime ban, along with various other options. The Treasury's advice was that a lifetime ban would be an infringement of human rights and was disproportionate, but also that it would deter younger applicants looking 10 years ahead who might feel that their options would be severely limited when they retired.

Sarah McCarthy-Fry: As we have established this afternoon, the office of the Comptroller and Auditor General was set up to hold Government to account. We have legislation that enshrines in law a requirement to ensure that the Comptroller and Auditor General is, and is seen to be, independent of any and all outside influence, particularly that of the Executive. The arrangements for appointment, remuneration and removal from office in the national audit provisions of the Bill are intended to ensure that external considerations cannot influence the judgments that the Comptroller and Auditor General needs to make in scrutinising the Government's use of public resources on behalf of the House of Commons.

That sets clause 42 in context. Let me now turn to the amendments, beginning with amendment 31. Clause 37, to which the Committee agreed earlier, limits the Comptroller and Auditor General's term of office to a maximum 10-year single term. It is likely, therefore, that a Comptroller and Auditor General could have a lengthy working life once he had left office. Mindful of that, the Government have put in place measures to ensure that the hope of future employment could not influence a Comptroller and Auditor General's judgments while in office. That consideration was also important to the Public Accounts Commission, from whose proposals the provision derives.

The CAG needs to focus all his efforts on carrying out his role without fear or favour right through to the end. Clause 42 therefore restricts a former CAG from working for the Crown or providing services to persons acting on behalf of the Crown for a period of two years after they cease to be CAG.

Mr. Tyrie: Will the definition of working for the Crown be the same as the definition that will be used for determining who is a civil servant under the civil service clauses of the Bill?

Sarah McCarthy-Fry: Off the top of my head, I cannot guarantee that, but I will endeavour to get a response to the hon. Gentleman before I finish speaking; alternatively, I will write to him.

After two years, a former CAG must take advice from a person nominated by the Public Accounts Commission before taking up other employment of a kind specified by the commission. If amendment 31 is approved, the two-year ban will be removed. The effect of that will be to impose, through subsections (5) and (6), a lifetime restriction on public sector employment for a former CAG. The commission originally recommended that a former CAG should not be eligible at all to take up other employment in the public sector after their term of office. It later recommended a five-year ban. As was said by the Father of the House, the legal advice cautioned there was a real risk that a permanent ban on public sector employment would be found indirectly discriminatory on age grounds.

The Government accept the importance of the CAG's independence, but we think that any restraints on future employment must be proportionate and within the law. A lifetime ban goes much further than what is required to protect the CAG's independence since it is hard to believe that a serving CAG could be influenced in any real sense while in office by a distant and, by its nature, highly uncertain prospect of remunerated work. Moreover, such a ban is likely to deter candidates, particularly younger ones, from applying for the post of CAG, which is not in anyone's interests.

As I have said, there is a real risk that a permanent ban on public sector employment would be found indirectly discriminatory on age grounds. Moreover, if such an infringement were found, it is unlikely that it could be defended as being reasonably necessary and objectively justifiable. A lifetime ban is therefore neither necessary nor desirable.

On amendments 29 and 30, the 15th report of the Public Accounts Commission recommended a lifetime ban on former CAGs accepting any post in any body that the National Audit Office has audited or which is in the gift of Government. It was in this context that the commission considered that some conflicts of interest could arise over posts in the private sector with, for example, defence contractors or other suppliers to the public sector. The commission therefore recommended that the CAG should consult what has been called the "Advisory Committee on Public Appointments". In fact, the correct title of the body is the Advisory Committee on Business Appointments.

Subsection (2) allows the Public Accounts Commission to nominate a person to advise former CAGs on taking up future offices or appointments. The advantage of the current drafting is that it allows the Public Accounts Commission to decide which person to consult depending on the circumstances at the time. It is therefore capable of adapting to future changes, for example should the name or responsibilities of the adviser change. That advantage should be obvious to Members already since, in attempting to be more specific, the amendment names a body that does not exist. There would, of course, be nothing to stop the commission specifying that the advice should be taken from the chair of the advisory committee if it so wished.

Turning briefly to Amendment 30, if subsection (3) were to be deleted, as proposed, not only would the Public Accounts Commission be unable to specify the adviser, but it would be unable to specify the description

[Sarah McCarthy-Fry]

of offices, positions, agreements or arrangements. Therefore, a side effect of the amendment would be to create uncertainty about which positions are covered by subsection (2).

With that explanation, I hope the hon. Member for Cambridge (David Howarth) will consider withdrawing his amendment.

David Howarth: Yes, of course I will seek leave to withdraw amendment 29, and I thank the Government and the Father of the House for the explanation offered as to the change. It makes sense for this provision to be more flexible and to take into account the chance that the appropriate body to consult might change.

I shall not be pressing amendment 31 to a Division either, but the explanation that the Minister offered is slightly puzzling, in that the chances of this indirect discrimination happening and affecting anybody are remote. As I understand it, the argument put forward was that as a younger person would face a longer ban, in terms of years, than an older person, disproportionately more younger people, as opposed to older people, would be put off and that would therefore qualify as indirect discrimination on age grounds against the young. I suppose that is theoretically possible in some remote circumstance, but it does not strike me as the most obvious discrimination case that anyone would bring, especially when one considers the consequence of bringing such a case for one's career.

The reason for the two-year ban has not been entirely explained. The Minister mentioned the possibility of a five-year ban—I am not entirely clear about in what circumstances the commission suggested a five-year ban—but she did not offer any particular reasoning as to why the ban should be for two years, rather than for five. Given that the whole point of this clause is to maintain public confidence in the neutrality and independence of the CAG, if anything we should err on the side of caution.

Sarah McCarthy-Fry: We obviously obtained the views of the commission and considered them carefully. We think that the two-year period achieves a sensible balance between the need to ensure the independence of the CAG and the desire to allow a former CAG to continue their career in the private or public sector, if they so wish. The two-year period is based on that for Ministers who wish to take up outside appointments.

David Howarth: That explains things, and I thank the Minister. Obviously the issue here is whether someone could be made such a big offer of such a big job and such a large salary that they might be tempted by it, even with a two-year delay. I recognise that that is somewhat unlikely, even in the public sector of today. With that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 42 ordered to stand part of the Bill.

Clause 43 ordered to stand part of the Bill.

Schedule 6 agreed to.

Clause 44 ordered to stand part of the Bill.

Schedule 7 agreed to.

Clause 45

NAO's EXPENDITURE

Sarah McCarthy-Fry: I beg to move amendment 41, page 21, line 25, leave out 'must' and insert

'and the Comptroller and Auditor General must jointly'.

Clause 45 sets out the arrangements for the NAO's expenditure and the approval of its estimates. Government amendment 41 is a minor amendment, which provides for the CAG to prepare the NAO estimates jointly with the NAO. The Bill already provides that the estimate, once prepared, will be presented to the Public Accounts Commission jointly by the CAG and the chair of the NAO.

Amendment 41 agreed to.

Clause 45, as amended, ordered to stand part of the Bill.

6.45 pm

Clauses 46 to 49 ordered to stand part of the Bill.

Schedule 8 agreed to.

Schedule 9

CONSEQUENTIAL AMENDMENTS RELATING TO PART 7

Sarah McCarthy-Fry: I beg to move amendment 42, page 71, line 20, at end insert—

'Government of Wales Act 2006 (c. 32)

22A In paragraphs 5 and 8 of Schedule 5 after "Comptroller and Auditor General" insert "or the National Audit Office".'.

This is a minor and consequential measure. If part 7 is enacted, certain functions carried out by the Comptroller and Auditor General will in future be carried out by the new National Audit Office. The amendment will prevent the provision of an Assembly measure from modifying the functions of the National Audit Office without the consent of the Secretary of State. A similar provision already applies in relation to the functions of the Comptroller and Auditor General.

Amendment 42 agreed to.

Schedule 9, as amended, agreed to.

Clause 50 ordered to stand part of the Bill.

New Clause 24

POWERS OF NATIONAL ASSEMBLY FOR WALES: AUDITOR GENERAL FOR WALES

'(1) Schedule 5 to the Government of Wales Act 2006 (c. 32) is amended as follows.

(2) In Part 1, under Field 14, insert—

"Matter 14.1

(1) The following aspects of the Auditor General's terms of appointment—

(a) the period of the appointment;

(b) salary, allowances and superannuation benefits;

(c) pensions and gratuities payable after a person has ceased to hold the office.

(2) The number of times a person may be appointed to the office of Auditor General.

(3) Restrictions on the other offices and positions which may be held by the person who is the Auditor General; activities of a person who has held the office of Auditor General (but no longer does).

(4) Provision requiring the Auditor General—

(a) to aim to do things efficiently and cost-effectively;

(b) to have regard, as the Auditor General thinks appropriate, to the standards and principles that an expert professional provider of accounting or auditing services would be expected to apply.

(5) The authorisation of persons to exercise functions of the Auditor General on the Auditor General's behalf (including during a vacancy in the office).

(6) The oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions.

(7) The provision or use of resources for the purposes of the Auditor General's functions including (in particular)—

(a) the employment and use of staff;

(b) the procurement and use of services;

(c) the holding of documents or information;

(d) the keeping of records.

(8) The charging of fees or other amounts in relation to functions of—

(a) the Auditor General, or

(b) auditors appointed by the Auditor General under enactments.

(9) The restatement of any law relating to the Auditor General."

(3) In Part 2, after paragraph 6, insert—

"6A (1) This paragraph applies to a provision of an Assembly Measure which—

(a) is a Matter 14.1 provision;

(b) provides for the enforcement of a Matter 14.1 provision or is otherwise appropriate for making a Matter 14.1 provision effective;

(c) is otherwise incidental to, or consequential on, a Matter 14.1 provision.

"Matter 14.1 provision" means a provision which relates to Matter 14.1 (and section 94(7) applies for the purposes of this definition as it applies for the purposes of section 94).

(2) The following provisions do not apply in relation to a provision to which this paragraph applies—

(a) paragraph 3 so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998;

(b) paragraph 6(1).

(3) Subject to sub-paragraph (4), a provision to which this paragraph applies cannot—

(a) modify or confer power by subordinate legislation to modify paragraph 3 of Schedule 8, or

(b) give or confer power by subordinate legislation to give any role to a committee of the Assembly.

(4) Sub-paragraph (3) does not limit any role which may be given to a committee of the Assembly which meets the requirements in sub-paragraph (5) (whether established by virtue of a provision to which this paragraph applies or otherwise).

(5) The requirements are—

(a) none of the following may be a member of the committee—

(i) the First Minister or any person designated to exercise functions of the First Minister;

(ii) a Welsh Minister appointed under section 48;

(iii) the Counsel General or any person designated to exercise the functions of the Counsel General;

(iv) a Deputy Welsh Minister;

(b) the committee must not be chaired by an Assembly member who is a member of a political group with an executive role.".'—*(Mr. David.)*

Brought up, and read the First time.

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): I beg to move, That the clause be read a Second time.

The First Deputy Chairman: With this it will be convenient to discuss Government amendment 43.

Mr. David: New clause 24 will confer legislative competence on the National Assembly for Wales. Such provisions are commonly known as framework or measure-making powers. I want to apologise to the Committee that this framework power was not included in the Bill on its introduction, as the Government have committed to doing in respect of all framework powers. I regret that the technical nature of the provision meant that it did not prove possible to finalise it in time. The Government have, however, introduced the new clause at the first available opportunity and I am pleased that so many Members attended the briefing session on the provision that I held yesterday with the Welsh Minister, Andrew Davies.

Mr. Gauke: The Minister says that the delay was due to a technical difficulty. Will he reassure the Committee that it was not due to Wales being forgotten? We know that the Government's relationship with the Principality is not what it was—Labour is no longer the most popular political party in Wales—and I fear that this is an example of Welsh neglect.

Mr. David: I assure the hon. Gentleman that that is not the case. Incidentally, the Labour party is back on top, as the recent opinion polls show.

This measure is very technical, and we wanted to ensure the maximum amount of consultation. That has now taken place, and we are satisfied with what we are proposing.

Mr. Gauke: I shall make a less partisan point. Does this measure have any budgetary implications and, if so, where are the resources coming from?

Mr. David: There are no budgetary implications for this Government. Any budgetary implications would be in the hands of the Welsh Assembly Government.

The new clause adds a new Matter 14.1 to part 1 of schedule 5 to the Government of Wales Act 2006 in the field of public administration. It also inserts new paragraph 6A into part 2 of schedule 5 to the 2006 Act to modify the general restrictions on the Assembly's competence.

The competence conferred by Matter 14.1 would allow the National Assembly to pass legislation, known as an Assembly measure, to put in place new arrangements for the Auditor General for Wales and the Wales Audit Office. These arrangements are comparable to the ones set out in part 7 of the Bill for the Comptroller and Auditor General and the National Audit Office. However, the Assembly may decide on different arrangements within the scope of the competence conferred.

In particular, the competence covers the Auditor General's terms of appointment relating to tenure and remuneration, the number of times that a person may be appointed Auditor General, the efficiency and effectiveness of the Auditor General, the other positions that a serving or former Auditor General may hold, the authorisation of other people to perform the Auditor General's functions on his or her behalf, oversight and

[Mr. David]

supervision of the Auditor General, and the provision of resources for the Auditor General and the charging of fees or other amounts.

It is right that the National Assembly should have the power to decide what arrangements are appropriate in relation to the public auditor for the devolved bodies operating in Wales. The structure of public audit is different in Wales compared with England, and the new clause gives the Assembly power to put in place arrangements for the more effective oversight, supervision and accountability of the Auditor General for Wales. At the same time, it makes sure that the independence of the Auditor General's operational audit work is maintained.

The Assembly will not be able to modify provisions in the Government of Wales Act 2006 that provide that the Auditor General is not subject to the direction or control of the Assembly or the Assembly Government. That strikes the right balance between allowing the Assembly flexibility to put in place arrangements that it considers appropriate for Wales, and preventing any erosion of the important principle of audit independence.

New paragraph 6A in part 2 of schedule 5 provides for an exception to the prohibition on the ability of Assembly measures to modify certain provisions of the Government of Wales Acts 1998 and 2006. That will enable those Acts to be amended by Assembly measure, if the purpose of the amendment is about putting in place the new governance arrangements for the Auditor General.

The competence would also enable the Assembly to transfer functions currently undertaken by its Audit Committee relating to consideration of the estimate of the audit reports of the Auditor General by another Committee of the Assembly. However, it could do so only if the Committee to which the functions are transferred is, like the Audit Committee, composed in a way that is independent of Welsh Ministers and the ruling Administration.

The consequential Government amendment 43 amends the long title to include the proposed amendments to the Government of Wales Act 2006.

I commend the new clause and the amendment to the House.

Question put and agreed to.

New clause 24 accordingly read a Second time, and added to the Bill.

New Clause 19

Amendment of Exchequer and Audit Departments Act 1866

'(1) The Exchequer and Audit Departments Act 1866 is amended as follows.

(2) In section 13(1) after "applies", insert ", subject to section 15A,".

(3) In section 14 at the beginning insert "Subject to section 15A".

(4) In section 15(1) after "applies", insert ", subject to section 15A,".

(5) After section 15 insert—

"15A Authorisation by relevant committee of the House of Commons

Notwithstanding any Act of Parliament or Resolution of the House of Commons, the Auditor and Comptroller-General shall not grant any credit to the Treasury under this Act unless he is satisfied that a relevant committee of the House of Commons has examined and approved the expenditure concerned for the relevant year."'.—*(David Howarth.)*

Brought up, and read the First time.

David Howarth: I beg to move, That the clause be read a Second time.

It is something of a shame that a new clause that looks modest but would have the effect of changing our system of Government entirely comes before the Committee with only seven minutes to go before the knife. I therefore do not expect that it will get a proper airing or any proper debate tonight.

The new clause deals with the control of expenditure by the House before that expenditure is made, as opposed to the auditing of expenditure once the money has been spent, which we tend to be rather better at. It is emblematic that most of this afternoon's debates on this part of the Bill have been about the Comptroller and Auditor General in his role as an auditor, rather than in his very important role as Comptroller.

The Exchequer and Audit Departments Act 1866, which is one of the great Gladstonian reforms of the 19th century, puts on the Comptroller the job of making sure that Government expenditure drawn from the Consolidated Fund is authorised by statute or by a resolution of the House. It is fundamental to the system of supply whereby the House, in theory, controls Government expenditure that the Comptroller has that job.

This should matter because policy debates are intimately connected with expenditure. A great American political scientist, Aaron Wildavsky, once said that policy is expenditure and expenditure is policy. That is because a policy that does not have any resources attached to it is generally just hot air, and any spending decision is, in reality, a decision about what to spend money on, as opposed to not spending money on something else, and therefore is a policy decision.

Over the past couple of centuries we have seen a great decline in the practical control of the House over that sort of expenditure decision. There is no time tonight to go through the detailed history of the decline of the supply procedure of the House. By 1896 most of the remaining power of the House was removed by the Conservative party when Mr. Balfour, who was Leader of the House, decided to change the procedure so that all the Government's supply requirements would be decided on one day in August, just in time for the grouse shooting season to start.

The main purpose of the clause is to suggest to the House—I am sure that the Government will not be interested—that it is now time to try in some way to wrest back our control over Government expenditure before it happens. An important consequence of the House's giving up of its power over supply and expenditure is that it spends all its time talking about legislation instead. This problem is part of the wider problem of there being far too much legislation. What has filled the time that in previous centuries was taken up with discussing Government expenditure before it happened is legislation—new laws. That is what we talk about instead.

I admit that the new clause would not make a vast difference in itself. We need to get hold not just of the annual process of Government expenditure, but of the comprehensive spending review—the multi-year framework which is generally a process from which we are entirely excluded. Select Committees find themselves excluded from that as well.

In local government, the systems for controlling expenditure in advance are far better. Even the smallest parish council gives the elected representatives better information and more power over spending decisions than happens in the House. In the end that lack of control leads to worse policy. There is not time to go into the details of what would be different if control were different. I simply leave hon. Members with the thought that the House is withering in its power and in public esteem, and that it will continue to wither until it takes back a role in the setting of policy. That is what the control of expenditure in advance is all about.

Sarah McCarthy-Fry: I thank the hon. Member for Cambridge (David Howarth) for his contribution, which reflects his passionate views that the House should have better scrutiny of Government spending for future years. I know that that was one of the themes of his speech on Second Reading, in which he said that serious reform was required of the way in which Parliament relates to Government on money issues.

The hon. Gentleman will know that the Government published a memorandum in March containing formal proposals to Parliament for better alignment between budgets, estimates and accounts. The memorandum explained the plans to simplify the Government's financial reporting to Parliament, ensuring that they report in a more consistent, transparent and straightforward fashion on spending plans, estimates and expenditure outcomes.

The hon. Gentleman will know that an important plank in moving towards alignment is covered by part 8, on the transparency of Government financial reporting and, in particular, the inclusion in departmental estimates of resources used by designated bodies.

On 3 July, the Liaison Committee responded to the memorandum on behalf of the other Select Committees, and in its response it covered some of the same ground as the hon. Gentleman has. In particular—

7 pm

Debate interrupted (Programme Order, 3 November).

The Chairman put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the new clause be added to the Bill.

Question put and negatived.

The Chairman then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 51 ordered to stand part of the Bill.

Clause 52 ordered to stand part of the Bill.

The Chairman left the Chair to report progress and ask leave to sit again (Programme Order, 3 November).

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Madam Deputy Speaker (Sylvia Heal): With the leave of the House, we shall take motions 3 to 7 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

SAVING GATEWAY ACCOUNTS

That the draft Saving Gateway Accounts Regulations 2009, which were laid before this House on 21 July, be approved.

INCOME TAX

That the draft Saving Gateway Accounts (No. 2) Regulations 2009, which were laid before this House on 7 July, be approved.

CONSTITUTIONAL LAW

That the draft Welsh Ministers (Transfer of Functions) (No. 2) Order 2009, which was laid before this House on 20 July, be approved.

That the draft Government of Wales Act 2006 (Consequential Modifications, Transitional Provisions and Savings) Order 2009, which was laid before this House on 20 July, be approved.

PROVISION OF SERVICES

That the draft Provision of Services Regulations 2009, which were laid before this House on 12 October, be approved.—*(Mary Creagh.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (LONDON)

Motion made and Question put,

That Ms Karen Buck, Jeremy Corbyn, Clive Efford, Siobhain McDonagh and Mr Andy Slaughter be members of the London Regional Select Committee.—*(Mary Creagh.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Resumption of adjourned debate on Question (2 November),

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be added.—*(Mary Creagh.)*

Hon. Members: Object.

Debate to be resumed tomorrow.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Resumption of adjourned debate on Question (29 October),

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mary Creagh.)*

Hon. Members: Object.

Debate to be resumed tomorrow.

PETITIONS

Waste Plant (North East Derbyshire)

7.2 pm

Natascha Engel (North-East Derbyshire) (Lab): I should like to present a petition on behalf of my constituents in Dronfield. The petition is supported by more than 700 individual letters.

The petitioners request:

that the House of Commons urges the Secretary of State for Communities and Local Government to do all in his power to oppose the building of this hazardous waste gasification and incineration plant and ensure that this proposed technology is not given permission to destroy a whole area of Chesterfield and North East Derbyshire.

Following is the full text of the petition:

[The Petition of residents of Dronfield, and others

Declares that a hazardous waste gasification/incineration plant is proposed to be built on the site of Sheepridge Business Park, only a few miles away from Dronfield; further declares that the technology proposed by the newly established company is untested and unproven; notes that there are no long term case studies on the health effects of these processes, while every day more and more evidence is coming to light of the harmful effects of airborne pollution from industry and traffic;

Believes that the site is too close to residents, with 19 schools and around 30,000 people living within just two miles of the proposed site; further notes that the site is in close proximity to many farms, livestock, fisheries and allotments, meaning there is a real danger of dioxins entering the local food chain; further notes that the site is bordered by greenbelt land and protected woodland, threatening the devastation of all the wildlife in the area and risking further contamination of the watercourses and food chain from the movement of wildlife in and around the site; further declares that the site is close to existing businesses that will move away, leading to hundreds of job losses and difficulties attracting any future investment;

Further notes that the waste, coming from a 30 mile radius, will need to travel past many schools, through small villages and country lanes to reach the proposed site; believes this is unsafe, unnecessary and unacceptable; further declares that residents have not been reassured by communications from Cyclamax, and do not trust the company to be running such a hazardous process; and considers that profit and money-making are being put before public health and safety.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Communities and Local Government to do all in his power to oppose the building of this hazardous waste gasification and incineration plant and ensure that this proposed technology is not given permission to destroy a whole area of Chesterfield and North East Derbyshire.

And the Petitioners remain, etc.]

[P000406]

Equitable Life (Meriden)

7.3 pm

Mrs. Caroline Spelman (Meriden) (Con): I wish to present a petition from residents of my constituency, who are members, former members or the personal representatives of deceased members of the Equitable Life Assurance Society. I have been handed 61 signatures in support of the petition, and, Madam Deputy Speaker, you are probably aware that more than 400 former members and members of Equitable Life attended a rally at Parliament today.

The petitioners request:

that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying with the findings and recommendations of her Report upon Equitable Life and to act quickly so that policyholders receive the justice that they have so long been denied.

I stand in support of this petition and present it to the House.

Following is the full text of the petition:

[The Petition of residents of the constituency of Meriden in the West Midlands,

Declares that the petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses.

The Petitioners therefore request that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying with the findings and recommendations of her Report upon Equitable Life and to act quickly so that policyholders receive the justice that they have so long been denied.

And the Petitioners remain, etc.]

[P000408]

Scallop Dredging, Cardigan Bay

7.4 pm

Mark Williams (Ceredigion) (LD): I have a petition of 2,200 signatures on behalf of the Save Our Sea group based in the Ceredigion constituency.

The petition declares:

The Petition of people of Ceredigion,

Declares that dredging of the sea bed has been banned and restricted in several areas of the marine environment due to the proven damage that can be caused by intensive and large-scale dredging; further declares that the increased use of dredges in Cardigan Bay has potentially caused severe damage to the marine environment and the habitats of the creatures living there.

The Petitioners therefore request that the House of Commons urges the Government to take all possible steps to encourage the Welsh Assembly Government to limit the number of scallop dredging boats licensed to dredge for scallops in Cardigan Bay, based on scientific assessments to be carried out while an interim ban is in place.

And the Petitioners remain, etc.

[P000407]

Pernicious Anaemia

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. McAvoy.)*

7.5 pm

Mrs. Madeleine Moon (Bridgend) (Lab): I thank Mr. Speaker for giving me the opportunity to hold this debate.

I am grateful to the Pernicious Anaemia Society for its help in preparing the debate. This small but ambitious charity is based in my constituency and has members throughout the world who are working to bring attention to this common but often misunderstood condition.

First, I should like to say a few words about pernicious anaemia, its causes and consequences. The condition is caused by a lack of vitamin B12. Vitamin B12 cannot be produced or stored in the body, and deficiency is caused by a failure to absorb vitamin B12 from the diet. Vitamin B12 is vital for the manufacture of new red blood cells. When it is in short supply, red blood cells are produced in smaller numbers, are abnormally large in size—megaloblastic—and do not last as long as they should; and anaemia develops. While the peak incidence of pernicious anaemia occurs within the 60-plus demographic, it can afflict anyone at any age.

The condition has physiological and mental symptoms. Common physical symptoms include tiredness, fatigue or lethargy; a shortage of breath known as "the sighs"; a swollen tongue and feeling bloated; brittle, easily damaged nails; pins and needles; unaccountable sudden diarrhoea; and an increased sensitivity to sound, scent and taste. Common mental symptoms include "the fogs"—a lack of clarity and focus in everything the sufferer experiences—and irritability, impatience and, often, mood swings. In addition, when vitamin B12 is low, the cells of the nervous and digestive systems may be affected. Undiagnosed or untreated, the condition can lead to damage to the central and peripheral nervous systems with separate symptoms and consequences in itself such as numbness in the limbs, especially the legs; vertigo; balance problems; inability to concentrate; and confusion or forgetfulness.

The most common reason why pernicious anaemia sufferers develop nerve damage is that its insidious nature, coupled with its vague symptoms, can often lead to a late diagnosis. Consequently, nerve damage has often occurred before pernicious anaemia has been diagnosed. The severity of the symptoms depends on how much damage has been done to the central nervous system. Balance problems can make everyday tasks such as showering, dressing and walking a challenge.

It is possible that these symptoms are irreversible, so diagnosis of pernicious anaemia needs to be quick and accurate. However, there are problems with its timely and accurate diagnosis. The disease shares common symptoms with a number of other conditions, and the fact that there is no single definitive test can often mean that a diagnosis is delayed. Many sufferers are misdiagnosed with conditions such as depression, multiple sclerosis, myalgic encephalomyelitis or chronic fatigue syndrome, or with being totally well but feeling unwell.

For some sufferers, a simple blood test can diagnose anaemia and an examination of the red blood cells can determine whether they are larger than normal. If this is the case, a Schilling test, which measures the body's ability to absorb vitamin B12 from the bowel, can determine whether it is pernicious anaemia. However, the Schilling test is no longer widely available. For most people on a normal diet, especially the elderly, a Schilling test is not thought necessary. Instead, a blood test is done to measure levels of vitamin B12. If the levels are low, pernicious anaemia is presumed and treatment started. However, the testing regime is not sufficient for the diagnosis of all patients with pernicious anaemia.

Typically, vitamin B12 deficiency is suspected when an individual presents with megaloblastic anaemia. However, that may occur only in the most severely vitamin B12-depleted individuals. As the Schilling test is no longer widely available, and the other main diagnostic signposts of low levels of serum B12 cannot be relied upon, sufferers can have high levels of serum B12 and still have pernicious anaemia.

The intrinsic factor antibody test, which is used to determine whether the patient is able to absorb intrinsic factor B12 from food, is only about 30 per cent. accurate. A better method of determining whether a patient is B12-deficient is based on their active B12 level, because only active B12 plays a part in the complex biochemistry. If a patient's active B12 level is low, he or she will still have the symptoms of pernicious anaemia even though the total level of B12 will be above the lower threshold for determining deficiency. There is a newly developed test that takes that into account and is widely used in Australia and Germany. Many people there who were not previously considered to be B12-deficient now receive B12 injections, with considerable improvement to their quality of life.

As well as difficulties in diagnosis, there are a number of other issues of concern to sufferers. Pernicious anaemia is treated in this country with injections of hydroxocobalamin, a form of vitamin B12. Patients receive three injections a week for the first two weeks, then one every three months for the rest of their life. More frequent regimes may be used in sufferers who have been diagnosed late and have neurological damage.

The main concern for sufferers is that the UK practice limits patients to an injection every three months, which is not sufficient. In the 1960s the treatment was an intramuscular injection every month. That changed to one every two months in the 1970s and one every three months in the 1980s. The Pernicious Anaemia Society cannot find any evidence that those changes to the prescription were related to new clinical research.

People with pernicious anaemia have widely different needs and respond differently to treatment. For some, an injection every three months is adequate, but for others, weekly or even daily injections may be required. In the UK, however, GPs on the whole stick to the three-monthly injections and feel that they are adequate. They generally refuse to allow more frequent injections. That means that sufferers often find themselves looking elsewhere for more regular sources of B12.

In the UK, vitamin B12 in injectable form is available only on prescription, under the Medicines Act 1968. It is, however, available over the counter in most European countries and readily available using the internet. Many people with pernicious anaemia travel abroad to get top-up injections or order infusions over the internet. That situation is far from ideal, and I know that my hon. Friend the Minister will be horrified to learn about

[Mrs. Madeleine Moon]

it. It is also extremely expensive and fraught with danger. I am sure that I am not alone in feeling uncomfortable with people ordering any medication over the internet.

Many people with pernicious anaemia also seek help from the private sector, from which B12 infusions can be bought. The form of B12 used is methylcobalimin, an extremely pure form of the vitamin that can be injected straight into the bloodstream. The patient can self-inject using the same needles used by diabetics. Many sufferers claim that if they return to their doctor to request an additional dose of B12, they are offered antidepressants. However, B12 is a harmless vitamin with no side effects, and it is cheaper than antidepressants. The PAS argues that allowing sufferers to self-inject using insulin needles would free up valuable nursing time, saving money from the NHS budget, and provide patients with a treatment regime based on need. It calculates that £20 million a year could be saved in nursing time by allowing patients to self-inject.

The PAS recently presented a petition to the Department of Health via the No. 10 e-petition system, highlighting the problems faced by people with the condition. In its response, the Department acknowledged:

"Too often, people with long-term chronic conditions have been made to fit themselves into the way care is provided locally, regardless of whether that meets their individual needs."

It went on to state:

"Our changes to the NHS aim to deliver the right services where they are needed, working with all involved agencies to provide a seamless package of care."

People with pernicious anaemia are being made to fit in with a treatment that is imposed from the top down. The national service framework for long-term conditions, launched in March 2005, focuses on improving services for people with long-term conditions across England. It states that comprehensive assessment and regular reviews of people's problems should be held and that self-referral would allow people to refer themselves quickly back to services as their care needs change. However, that has not materialised for people with pernicious anaemia.

There are a number of ways that the Department of Health could improve the care provided to sufferers of pernicious anaemia, and a review of the disease's symptoms, diagnoses and treatment is needed. The current treatment regime would benefit from a review relating to its efficacy and cost-effectiveness. Modern, self-administered treatment regimes that are available should be evaluated to save medical staff time and to provide a more efficient treatment regime based on patients' needs.

The misdiagnosis of pernicious anaemia could be reduced by launching an education campaign for general practitioners. It should also be made clear that the current three-monthly injection cycle may not address the needs of every patient and that it should be more flexible. Any review could include a study investigating the feasibility of a return to the monthly dose, which was successfully administered with no side effect to a generation of sufferers in the 1960s.

The review should consider the type of B12 that could be used. Methylcobalamin, which is used in the private sector, is a purer form of B12 that absorbs in the body with better results. The PAS would like sufferers who have a more severe form of pernicious anaemia to have the option of self-injecting daily doses of B12 methylcobalamin. Monitoring such a regime would reveal whether it could be a modern way forward, in which patients can opt for a treatment style that is similar to diabetic provision. It would be helpful if the Department could support the creation of a charity helpline for sufferers, compile the statistics of current misdiagnosis and create a referral service so that sufferers can find the correct medical attention quickly.

The disease affects people in all right hon. and hon. Members' constituencies. An early-day motion highlighting many of the issues raised, tabled by my hon. Friend the Member for Bristol, North-West (Dr. Naysmith), has received 73 signatures. I hope the Department considers acting on many of the issues that I have raised this evening. I also hope that it will agree to a future meeting of officials and members of the PAS, so that their concerns can be adequately addressed.

7.18 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): May I congratulate my hon. Friend the Member for Bridgend (Mrs. Moon) on securing this debate, which is of course on an important subject? Her constituency has the honour of having the PAS in it, and I am aware of her work with society. She has taken a very close interest in pernicious anaemia and has previously tabled questions on behalf of patients who have that distressing condition.

As my hon. Friend has so eloquently described the condition, I will not go into the details again, but there are some rarer causes of vitamin B12 deficiency. The root cause of pernicious anaemia, however, is the deficiency of B12 due to the lack of what is known as the "intrinsic factor" needed for its absorption.

The inability to absorb vitamin B12 orally means that treatment in an injectable form is required, and because the lack of the intrinsic factor cannot be reversed, treatment must be continued for life. That is to avoid the problems associated with uncorrected anaemia as well as the possibility of damage to the central nervous system that can result from prolonged vitamin B12 deficiency.

My hon. Friend mentioned the role of GPs. In common with a wide range of chronic conditions, the diagnosis and treatment of pernicious anaemia is generally best carried out at primary care level. It is for general practitioners to diagnose the condition, arrange for blood tests and prescribe the treatment that they consider most appropriate. General practice and primary care have increasingly showed themselves to be the preferred settings for discussing and deciding on such treatments, and patients' preference has been supported by increased investment by this Government in a wide range of programmes to expand services locally.

I recall my days as a district nurse when I provided this facility locally to one of my patients who was a pig farmer. He was reluctant to come to the surgery, so the district nurse went to the pig farm. In fact, the patient was very reluctant to leave the pigs, so—in true district nurse style—my wellingtons came out of the boot of my car and I performed the service where the patient thought it most appropriate. I then went into the farmhouse to wash my hands and was given a cauliflower for my trouble. I remember those days with great warmth, but the advancement in primary care has made it much more possible for patients with chronic conditions to be treated at home or very close to home.

It has been suggested that GPs are insufficiently aware of the prevalence of pernicious anaemia that they may fail to diagnose the condition and that the Department of Health should take steps to increase awareness. However, assessments of medical professionals and their awareness of conditions such as pernicious anaemia are not matters for the Department of Health. It would be for the relevant specialist professional bodies, such as the Royal College of Pathologists, to provide guidance and professional development on matters relating to haematology. The Department of Health has not issued any recent guidance to general practitioners on the diagnosis or treatment of pernicious anaemia. Nor has the National Institute for Health and Clinical Excellence, to whom the task has now been given.

I am aware that some patients take the view that injections should be offered more frequently, or that other treatments should be offered, and that patients may become understandably very distressed if they believe that their individual needs are not being taken fully into account. Some of the examples that my hon. Friend gave are very worrying. However, I do think that in this and in other cases, we must rely on GPs using their training, professional judgement and the evidence available to them to decide what treatment they consider appropriate, taking into account the particular needs of the person concerned. I hope that the Pernicious Anaemia Society stresses to its members that they must go to their GP and have a proper clinical assessment.

I know of the work of the Pernicious Anaemia Society in raising public awareness of pernicious anaemia and also of its proposals concerning diagnosis and treatment of the condition. I am aware that the PAS organised a parliamentary reception last week, and I apologise again to my hon. Friend for being unable to attend. The early-day motion in the name of my hon. Friend the Member for Bristol, North-West (Dr. Nayumth) has attracted over 70 signatures. It raises five main points and it may be helpful if I respond to each of these in turn, before covering the other points raised by my hon. Friend the Member for Bridgend.

The early-day motion states that there are fundamental problems with the diagnosis and treatment of vitamin B12 deficiency and pernicious anaemia. When vitamin B12 deficiency has caused anaemia, its diagnosis is not generally difficult, and I am not aware of significant problems of under-recognition. What people sometimes say, however, is that they felt unwell for some time before developing anaemia, and they attribute that to the early stages of vitamin B12 deficiency. Although that may be true, the difficulties of very widespread testing of the many patients with non-specific malaise and tiredness that would be necessary to detect a few people with very early vitamin B12 deficiency make this unlikely ever to be an appropriate policy. When anaemia is present, my understanding is that most patients respond well to treatment through quarterly injections of vitamin B12 and are able to get on with their lives, despite the inconvenience. I am aware of the discomfort of regular treatment and the impact of the condition. I am told that the injection is very painful because of the nature of what is being injected.

I am aware that some individuals with pernicious anaemia do not believe that sufficient heed is paid to their particular wishes regarding the nature and frequency of treatment. However, that is a matter for clinicians and patients to decide, taking into account personal circumstances, and professional knowledge and experience. Some patients might wish to play a greater role in their own care, and I would encourage that. The personal experiences of individual patients need to be a significant factor in these discussions and decisions about treatment.

The early-day motion calls for a review of the efficacy and cost effectiveness of current treatment for pernicious anaemia. The Government established the National Institute for Health and Clinical Excellence to provide authoritative, independent advice to the NHS on different health-related interventions and forms of care. That is to increase fairness in access to treatments, to be a national source of robust clinical guidance and to speed up the uptake of cost-effective treatments in the NHS.

There is a clear process for the selection of topics for referral to NICE's work programme and final decisions on that work programme are taken by Ministers. I understand that a number of topic suggestions have been made around the diagnosis and management of pernicious anaemia, including one from the PAS itself. NICE is considering those proposed topics against its published criteria for possible inclusion in future work. However, I hope that my hon. Friend appreciates that NICE cannot advise on every condition or aspect of treatment, and that this topic will need to be considered alongside all the other competing priorities for NICE guidance.

The early-day motion calls for pernicious anaemia to be included within the national service framework for long-term conditions. As my hon. Friend is aware, we published the framework in 2005. It is a 10-year plan to address inequities in access, a lack of integrated service provision, work force shortages—if there are any—and variations in the quality of care across the country. The framework focuses on neurological conditions, and its quality requirements are based on evidence from services for people with neurological conditions. That focus on neurology highlights and sets in a clear context issues that are also relevant to the millions of people living with other long-term conditions, including pernicious anaemia.

I understand that the early-day motion proposes that treatment for pernicious anaemia should be more flexible and responsive to the needs of patients. The Government are committed to supporting patients in taking control of their own health and in the management of their own care. I am aware that some patients with pernicious anaemia might prefer to have more frequent injections or other forms of vitamin B12 to be administered by patients. Again, however, I am sure that my hon. Friend will understand that those are matters for individual patients to discuss with their general practitioners; it is not for the Department of Health to specify regimes of care in general practice—thank goodness!

The early-day motion also proposes that there should be a review of symptoms, diagnosis and treatment. As I have said, since coming into office in 1997, the Government have established a series of national service frameworks and other clinical strategies looking at diagnosis and treatment of major diseases. Through the NSF approach, we have substantially improved mortality rates and eased the burden of ill health caused by major diseases.

We recently announced our intention to produce a clinical service strategy for liver disease and we will shortly be publishing a draft strategy for chronic obstructive

[Ann Keen]

pulmonary disease. However, we are aware that not every service area can be identified as a priority suitable for a national service framework or clinical service strategy. That has been recognised in the establishment of the National Quality Board, which is a key element of the NHS next stage review led by Lord Darzi. All recommendations for service reviews or strategies must now be considered by the National Quality Board, which will advise the Government.

This is a long overdue debate, which my hon. Friend has been requesting for some time. I congratulate her on raising the subject. I also welcome the activities of the Pernicious Anaemia Society in raising awareness of the condition among the public and clinicians. The society may wish to make representations to NICE about the review of treatments for the condition and to the National Quality Board. I acknowledge my hon. Friend's request for the society to meet officials and I will ask officials to arrange that at the earliest opportunity.

Most people who have developed pernicious anaemia receive excellent support from their GPs in diagnosis, treatment and other forms of support. However, I cannot let this debate end without mentioning the district nurses, whom I believe will support their patients in the community to the best of their ability and follow the example set by this Minister, because patients are patients, wherever they happen to be.

Question put and agreed to.

7.31 pm

House adjourned.

House of Commons

Thursday 5 November 2009

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CANTERBURY CITY COUNCIL BILL (*BY ORDER*)

Third Reading opposed and deferred until Thursday 12 November (Standing Order. No. 20).

NOTTINGHAM CITY COUNCIL BILL (*BY ORDER*)

Third Reading opposed and deferred until Thursday 12 November (Standing Order. No. 20).

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*] (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 12 November (Standing Order No. 20).

MANCHESTER CITY COUNCIL BILL [*LORDS*] (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 12 November (Standing Order No. 20).

LEEDS CITY COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 12 November (Standing Order No. 20).

READING BOROUGH COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 12 November (Standing Order No. 20).

CITY OF WESTMINSTER BILL [*LORDS*] *(BY ORDER)*

Motion made,

That so much of the Lords message [12 October] as relates to the City of Westminster Bill [*Lords*] be now considered.—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November.

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*] *(BY ORDER)*

Motion made,

That the promoters of the Bournemouth Borough Council Bill, which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November

MANCHESTER CITY COUNCIL BILL [*LORDS*] *(BY ORDER)*

Motion made,

That the promoters of the Manchester City Council Bill, which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November

CANTERBURY CITY COUNCIL BILL *(BY ORDER)*

Motion made,

That the promoters of the Canterbury City Council Bill, which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November.

LEEDS CITY COUNCIL BILL *(BY ORDER)*

Motion made,

That the promoters of the Leeds City Council Bill, which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November.

NOTTINGHAM CITY COUNCIL BILL *(BY ORDER)*

Motion made,

That the promoters of the Nottingham City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November.

READING BOROUGH COUNCIL BILL *(BY ORDER)*

Motion made,

That the promoters of the Reading Borough Council Bill, which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The First Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered on Thursday 12 November.

Oral Answers to Questions

ENERGY AND CLIMATE CHANGE

The Secretary of State was asked—

Carbon Mitigation (Developing Countries)

1. **Mr. David Drew** (Stroud) (Lab/Co-op): What steps he is taking to reach an international agreement on climate change, with particular reference to helping developing countries introduce carbon mitigation measures. [297747]

The Secretary of State for Energy and Climate Change (Edward Miliband): The Government are working to ensure an ambitious, fair and effective international agreement at Copenhagen. The recent European Union decision to support €100 billion a year of public and private finance by 2020 is designed to help developing countries both to adapt to climate change and to pursue low-carbon growth. We now want other developed countries to join us in supporting this financial commitment.

Mr. Drew: I congratulate my right hon. Friend and the Front-Bench team on the lead they are taking on Copenhagen, which is very pleasing to see. Does he accept, however, that there is an awful lot to do, particularly with reference to the developing world? From trips to Africa, for example, it is quite clear how far it has to come. Will my right hon. Friend make sure that he talks to the Department for International Development about the way in which it can provide real resources to ensure that we get mitigation in those countries?

Edward Miliband: My hon. Friend is absolutely right. In a sense, one of the cruellest things about climate change is that the people who have done least to cause the problem, including in Africa and elsewhere, face the worst consequences, while at the same time we have to persuade developing countries to do not as we did, which is to grow in a high-carbon way, but to do as we say, which is to grow in a low-carbon way. That is why it is right that we make a financial contribution to make that possible.

Simon Hughes (North Southwark and Bermondsey) (LD): While the EU offer of €100 billion is welcome, it is clearly not yet persuading the developing nations that it is sufficient for mitigation and adaptation. Will the Secretary of State tell us whether our Government are willing to take a lead in suggesting an international levy on airline and maritime fuel as a way of adding to the international fund to deal with the needs of the developing world?

Edward Miliband: We are looking at the way in which aviation and maritime can, through a trading regime—as a number of airlines have suggested—play a role in providing the necessary finance for a Copenhagen agreement. I think the most important thing—we will be debating the issues again later today—is that countries make clear commitments on finance. Sources of finance are important, but the real prize at Copenhagen is a clear sense that countries are going to put their money where their mouths are. That is what we are striving to achieve.

Colin Challen (Morley and Rothwell) (Lab): Given the difficulties in the Barcelona talks this week, particularly in getting the annexe I countries to agree to more ambitious targets, does my right hon. Friend sympathise with the Africa group for walking out of those talks?

Edward Miliband: I am not sure that walking out is a great way of achieving progress, but that shows that the United Nations framework convention on climate change talks have a history, I am afraid, of mistrust, so progress has been too slow. That is why we have to find other forums, such as the Major Economies Forum that we hosted in London, to pursue success. The truth is that the way to overcome that history of mistrust is to do what the EU and, indeed, Britain has done, which is to start to break the deadlock in the negotiations—for example, by saying to developing countries that we are willing to make a financial contribution so that they can make the necessary changes in their economies.

Greg Clark (Tunbridge Wells) (Con): For more than 20 years Britain has had a record of leadership on climate change, and that leadership will be vital at Copenhagen. Everyone at Copenhagen should know that there is complete unity of purpose between us on this issue, and that we need to achieve a deal that proves equal to the challenge of climate change. Does the Secretary of State agree that the principles of such a deal are that it must be fair, that it must be ambitious and that it must be binding on all countries?

Edward Miliband: I do agree. We set out exactly those principles in our "Road to Copenhagen" document, which was published in June, and I entirely endorse them.

I think that ambition is very important. We know that temperature rises of more than 2° will have devastating effects on many parts of our world, including the United Kingdom, and I believe that we need an agreement at Copenhagen that can put us on a path towards preventing them.

Greg Clark: I am grateful for the Secretary of State's answer, but we all know that international summits have their final photo calls and their leaders' handshakes booked well in advance. We all want success at Copenhagen, but the worst kind of failure would be an inadequate deal dressed up as success. Does the Secretary of State agree that one of the most important roles that Britain can play at Copenhagen is to cut through the diplomatic language and tell the truth about whether the deal is rigorous enough?

Edward Miliband: I do, but on this occasion, although the photo calls may have been booked, I have not heard about them.

This is an issue that will go all the way to the wire. The hon. Gentleman is right: the choice at Copenhagen should not simply be between no deal and a deal. We must choose the kind of deal that we want, and we shall be striving for the most ambitious deal that we can get. It will have to involve finance, and I urge the hon. Gentleman to look again at the important question of official development assistance in the form of financial additionality. As I have said, however, we need the most ambitious deal that we can get, and that is what we shall be striving for.

Greg Clark: I am glad to say that there seems to be a strong degree of consensus between us. I agree with the Secretary of State that for a deal to be worth having, it must be consistent with what science demands, namely a global warming limit of 2°. I also believe that the deal must help the world's poorest people to cope with the effects of climate change, that it must be in addition to, not instead of, fighting their current poverty, and that it must involve immediate action to halt the destruction of the rain forest. Does the Secretary of State agree that those are the tests of a rigorous deal?

Edward Miliband: I do, and I am pleased if the hon. Gentleman is giving a commitment—as he has not done on previous occasions—that climate finance will be additional to official development assistance. That is an important assurance that we need to give to developing countries. If we transfer money out of ODA and into climate finance, the effects will be negative.

I also agree about the rain forests. Rain forest deforestation represents about 20 per cent. of carbon emissions—more than the percentage of emissions from the world's transport sector—and we need to make progress on that as well as part of a Copenhagen agreement.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): What assessment has my right hon. Friend been able to make of this morning's reports that, according to influential voices in the United States, an agreement may not be reached until after Copenhagen?

Edward Miliband: I do not think that we should be in plan B territory. I think that we need to be in plan A territory, and plan A territory is about striving for an ambitious deal in December.

The truth is that this is not going to get any easier. We face very difficult issues. Why is it so difficult? It is difficult because the world is trying to do what it has never done before, and cut global emissions. Kyoto and previous agreements never achieved that. It is tough, but I think that we must strive all out for December. In a sense, the deadline is concentrating minds. We have to raise the stakes and make sure that we get an agreement in December.

Power Cuts

2. **Mr. Desmond Swayne** (New Forest, West) (Con): What assessment he has made of the level of risk of power cuts over the next 10 years resulting from shortages in electricity-generating capacity. [297748]

3. **Mr. Mark Harper** (Forest of Dean) (Con): What assessment he has made of the level of risk of power cuts arising from insufficient electricity-generating capacity over the next 10 years. [297749]

The Secretary of State for Energy and Climate Change (Edward Miliband): With 10 GW of new generation under construction and another 10 GW with planning consent, we are on track to replace more than the 18 GW of stations scheduled to close by 2018. We are therefore confident that the risks to security of supply are low. To accelerate the pace of building new generation, we are reforming the planning system to ensure faster and better decision making. We still hope to receive all-party support for those measures.

Mr. Swayne: The chief executive of Ofgem has said that we are way behind the French and Germans in generating additional low-carbon capacity. How has that arisen? Was it due to negligence, stupidity or what?

Edward Miliband: No; the chief executive has not said that. If the hon. Gentleman is concerned about low-carbon generation, he should tell his Front Benchers to support our planning reforms. What has been holding up low-carbon generation such as renewables, in this country, is precisely the planning system. That is why we are reforming the planning system, why we will publish national policy statements, and why we have the Infrastructure Planning Commission. Unfortunately, the Conservative party wants to abolish that commission, and that will do nothing to obtain the low-carbon generation that the hon. Gentleman says he wants.

Mr. Harper: The Secretary of State has said that the Government need to take more of a role in delivering security of supply. Given that he acknowledges that we must replace one third of our generating capacity in the next 10 years, why have the Government left things so late?

Edward Miliband: I do not agree that we have left things late. Indeed, it was this Government, in the teeth of opposition from the Conservative party, who said that we would end the nuclear moratorium and start building nuclear power stations.

I know that the Conservatives oppose onshore wind, but I was interested to see what the hon. Gentleman says about offshore wind, which is important, on his website:

"It is also a classic Labour state-focused centralised project."

In other words, he seems to be against it, and that will not achieve the low-carbon generation that we need in this country, will it?

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Will my right hon. Friend say how much gas there is in 10 GW? I understand that demand is for something like 22 GW of gas-fired electricity. If that is correct, in the next 20 years we could be over-dependent on gas, so does he intend to take measures to cap gas in the energy mix?

Edward Miliband: My hon. Friend has asked exactly the right question. The majority is gas, and to obtain the low-carbon revolution that we need, we must press ahead with renewables, for example. The low-carbon transition plan that we published in the summer shows that we can stabilise levels of gas imports, but only if we move ahead with renewables and nuclear. Part of that involves standing up and saying, including to local councils throughout the country, that it is right to go ahead with renewables. Again, the Conservative party singularly fails to do that. Sixty per cent. of wind turbine applications to Conservative councils are turned down. That will not achieve the low-carbon revolution that we need, will it?

Mr. Dennis Skinner (Bolsover) (Lab): Does the Secretary of State agree that the negligence suffered by Britain's energy supplies was during the '80s and '90s, when the Tories blasted a hole and closed 150 pits? We are now importing 54 million tonnes of coal a year from countries that we do not even trust because of that action. May we have a guarantee that now that the world price of

coal is going up, we will use coal technology to ensure that those pits that are reopening and the miners who work in them are given a chance?

Edward Miliband: My hon. Friend is right in his historical analysis and his analysis of the future. The truth is that we know that carbon capture and storage can make coal a fuel of the future and not of the past. That is why we propose a levy to fund carbon capture and storage in this country. Again, I hope that we can have all-party support, because that is what will make coal a fuel of the future and create thousands of jobs in this country.

Charles Hendry (Wealden) (Con): It is good to know that dinosaurs are still with us.

If the Secretary of State does not want to listen to us, he should at least listen to his own advisers. In the past few weeks, Ofgem's excellent Project Discovery has said that the Government's estimates of energy supply are optimistic. Their own energy adviser, the excellent Professor MacKay, has said that power cuts are likely by 2016. Even the Government's low-carbon transition plan refers to power cuts in 2017, but in Government-speak it calls that energy demand unserved.

It is on the Government's watch that the mistakes have happened—

Mr. Speaker: Order. I am awaiting the question mark.

Charles Hendry: Does the right hon. Gentleman accept that the errors occurred on his watch? We have not seen investment in nuclear because of the Government's moratorium. Does he accept that his complacency has put our security at risk?

Edward Miliband: No, I do not accept that. The hon. Gentleman is normally a sensible fellow, but on this occasion he does not seem to be. On the crucial issues that will guarantee security of supply and make the low-carbon transition happen, the Conservative party is on the wrong side of the argument. It is on the wrong side of the planning argument, and it is on the wrong side of the carbon capture and storage levy argument. Also, the shadow Business Secretary has said that we should have "no onshore wind" in this country. That will do nothing for security of supply or low carbon. Therefore, the truth is that the Conservative party would be a risk to the low-carbon transition and to security of supply.

Economic Situation

4. **Mr. Jim McGovern** (Dundee, West) (Lab): What assessment he has made of the effect of the current economic situation on prospects for an international agreement on climate change; and if he will make a statement. [297751]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): The latest analysis indicates a short-term fall in global emissions as a result of the global economic downturn, but long-term projections show a rising trend. Securing a global agreement at Copenhagen is essential to making the transition to a low-carbon economy.

Mr. McGovern: I thank the Minister for that answer. Does she agree that the Government should use tackling climate change as an opportunity to develop green manufacturing jobs in the UK, which would be good for the economy, good for climate change and good for working people—our people?

Joan Ruddock: I entirely agree with my hon. Friend, and that is exactly what the Government are doing. In this year's Budget, we added an extra £1.4 billion of targeted support to help the transition to the low-carbon economy; that was building on previous commitments, so that £10.4 billion is now being enabled. The low-carbon economy currently supports about 880,000 people in work, and it is a fast-growing sector. This Government will continue to invest. We think that the 15 per cent. renewables target could create as many as 500,000 new jobs. Therefore, this Government will continue to make the investment that is necessary to create jobs, which is more than we can say of the Opposition.

Richard Ottaway (Croydon, South) (Con): Is the Minister aware that the Committee on Climate Change reported that the reductions in carbon emissions in the United Kingdom over the last four years amounted to a very modest 0.5 per cent. per annum? Does she agree that if she is to have credibility at any international summit on this issue, she will need a better track record than that?

Joan Ruddock: No, I do not agree at all. The fact is that we have more than doubled our Kyoto commitment in respect of the basket of greenhouse gases, which has already been reduced by 21 per cent. on 1990 levels. Therefore, we have got a track record that is recognised in the international forum. Yes, we have had small reductions, but that was during a period of 34 per cent. growth in the economy, so that is still an achievement, and a step change is under way: levels are going down faster, and we have a transition plan that will make them go down faster still.

Mr. Andy Reed (Loughborough) (Lab/Co-op): My hon. Friend knows that there is a double whammy for developing countries in the current economic crisis: not only are the poorest being hit by the state of the economy, but climate change affects them first. We hear that €100 billion is being made available for mitigation and working with developing countries, but can the Minister give an assurance that that sum will actually be achieved? Those of us who have worked on international debt relief for many years know that promises at conferences very rarely turn into cash on the ground, so can she give an assurance that that will happen?

Joan Ruddock: What I can tell my hon. Friend is that we have learned the lessons from the donor conferences of the past where many countries made promises but did not deliver. We believe there needs to be a new architecture and a new framework, within which the money will be collected according to a formula possibly based, we think, on greenhouse gases and emissions combined, and with every country except the least developed of them having to contribute to the pot. That is the way in which we can make a difference, and that is what we are hoping to achieve in the Copenhagen agreement.

Mr. Mike Weir (Angus) (SNP): Vestas and Siemens, which manufacture wind turbines, calculate that for every gigawatt installed, 3,000 new jobs are created. Given the amount of offshore wind that is planned around our shores—and, indeed, off the coast of my constituency—what can we do to ensure that these jobs are created in this country, rather than exported?

Joan Ruddock: We are incentivising the generation of offshore wind. We have already made a commitment of £120 million, and we have seen that by increasing the renewables obligation certificates and agreeing to review them, we are encouraging that industry to come to Britain. I recently visited Aberdeen. The industry there, which has so much expertise in oil and gas, is standing ready to make that transfer into renewables, for which it is very well suited.

International Co-operation

5. **Mr. Brian Jenkins** (Tamworth) (Lab): What recent discussions he has had with his international counterparts on reaching an international agreement on climate change; and if he will make a statement. [297752]

6. **Nia Griffith** (Llanelli) (Lab): What recent assessment he has made of the effectiveness of efforts to tackle climate change in international forums; and if he will make a statement. [297753]

The Secretary of State for Energy and Climate Change (Edward Miliband): I am in intensive dialogue with my international counterparts, as I was last weekend in Barcelona at the United Nations talks and last month at the Major Economies Forum in London. Along with the Prime Minister and others, I expect to engage in further discussions in the run-up to Copenhagen. We are determined to do all that we can to secure the best possible outcome in December.

Mr. Jenkins: In recognising the excellent lobbying of this Government by environmental campaigners in this country, will he use his offices to urge those campaigners to contact their sister groups around Europe and the rest of the world in order to put pressure on their leaders, so that they take climate change seriously at the Copenhagen summit and, like our Prime Minister, promise to step up to the mark, if needed?

Edward Miliband: My hon. Friend is right. The role of campaigners, not only in Britain, but around the world, in securing the agreement we need is very important. There is still a long way to go to get the kind of agreement that we need, despite the summit being only a month away. The ambition has to come not only from Governments and from leadership, but from popular pressure, so I completely agree with him.

Nia Griffith: Can the Secretary of State tell us what talks he has had about including forestry in the discussions at Copenhagen to try to prevent the indiscriminate destruction of forests by fuel-hungry nations looking for biomass fuel, which is obviously causing global warming and often rides roughshod over indigenous peoples and their needs?

Edward Miliband: My hon. Friend is right to say that deforestation is a very big part of the climate change problem. The issue also involves how we help people in forest nations to carry out the environmental service that we want them to provide to the world, which is not cutting down the forests. Any agreement at Copenhagen needs to include a way to provide the necessary finance for those countries, so that they are incentivised to do the right thing—to manage forests sustainably, rather than cutting them down, as often happens at the moment.

Miss Anne McIntosh (Vale of York) (Con): Will the Secretary of State join me in congratulating Copenhagen on securing this conference, which is a measure of Denmark's record on this issue? Why should any other country take any lectures from his Government on climate change policy, given that they have failed, on adaptation policy, to implement the Pitt recommendations following the floods two years ago?

Edward Miliband: We do not tend to lecture other countries, and if the Conservative party were ever in government, it would find that that is not necessarily the strategy that works. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs is implementing the recommendations of the Pitt report. I must say to the hon. Lady that when one talks to people around the world, one finds, as my ministerial colleague has said, that people see that Britain has achieved a huge amount on tackling climate change—it is one of the few countries to exceed its Kyoto targets. Of course there is more to do, but the question is: who is going to make that low-carbon transition happen? As I have tried to explain, it is this Government, not the Conservative party.

Sir Nicholas Winterton (Macclesfield) (Con): Following up the excellent question put by the hon. Member for Bolsover (Mr. Skinner), may I ask how much discussion there is in these international forums about the use and development of clean-coal technology in ensuring future energy supplies to this country, which are so crucial?

Edward Miliband: There is discussion about this matter, and the hon. Gentleman has asked a pertinent question. The International Energy Agency has estimated that without finding a carbon capture and storage solution, the cost of the world's tackling climate change will be 70 per cent. higher. In my view, there is no solution to the problem of climate change without a solution to the problem of coal. It is part of the discussions that we are having, and I very much hope that the finance that might be made available will ensure that we have demonstrations in not only developed countries, but developing countries. The good news is that a country such as China, which was more sceptical about CCS a couple of years ago, is now enthusiastic about taking it forward. That is a sign of the way the mood is changing on these issues.

Ms Dari Taylor (Stockton, South) (Lab): I wish to remind my right hon. Friend of his very good visit to Ensus on Teesside, which related to some very complex scientific analysis. During that visit, he stated that his chief scientist would visit Ensus. When will that visit take place, because we seriously look forward to it?

Edward Miliband: I unfortunately did not bring with me the diary of the chief scientist, but on returning to my Department I will make sure that he is reminded of my suggestion that he visits my hon. Friend. It was a good visit, and it related to one particular point about the biofuels debate in this country. We all know the dangers of biofuels in relation to issues of food security and other things, but we also know that we have to have a nuanced debate about these questions. Biofuels can play a role—and a very important one—if they are managed in the right way and if we ensure that they have the right land use effects. I think that that example was demonstrated in my hon. Friend's constituency.

Maldives

7. **Alistair Burt** (North-East Bedfordshire) (Con): When he last discussed with the Government of the Maldives the contribution of the UK towards reducing the risks to that country arising from climate change. [297754]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): We attach great importance to ensuring vulnerable countries are engaged in discussions on climate change. At the London-hosted Major Economies Forum on 18 and 19 October, participation was widened for the first time to bring vulnerable countries to the table. The Maldives was among those in attendance and Minister Aslam participated in the finance session. Last week I also met Vice-President Waheed at climate change negotiations in Barcelona.

Alistair Burt: I think we were all moved by, and not a little admiring of, the recent cabinet meeting held by His Excellency President Mohamed Nasheed underwater to highlight the plight of his country and show what climate change will mean to them. Following an initiative this year, when he said that his country would go carbon neutral by 2019, the President said that that in itself would not decarbonise the world and save them from annihilation but

"at least we could die knowing we've done the right thing."

Does the Minister believe that following Copenhagen every world leader will be able to say exactly the same, no matter how dramatic it was?

Joan Ruddock: I hope very much that that will be the case. We are working tirelessly to that end. Of course, our Prime Minister has said that he will be there, if necessary, to get a deal. There is no question about the Government's commitment. We support the Maldives and encourage it to keep its voice very strong in these negotiations to make the facts available to the world. Its argument is, of course, the most powerful one. If a whole country is to be lost, there can be no more powerful argument than that. We need to keep hearing those messages.

Energy Pricing

8. **Greg Mulholland** (Leeds, North-West) (LD): What steps he plans to take to prevent energy companies overcharging their customers; and if he will make a statement. [297755]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): We announced in the low-carbon transition plan last July our proposals to strengthen the enforcement powers of the regulator Ofgem in order to improve consumer protection. Ofgem itself has also made major changes to industry rules to prevent unfair pricing as a result of its retail markets probe.

Greg Mulholland: Reports show that last year npower changed its tariff year for gas customers three times in 12 months, ensuring that customers were kept on the higher rate for charging longer than advertised and overcharging customers by £100 million. What steps can the Minister take to ensure that a tariff year is a firm 12-month commitment and cannot be changed at the whim of energy companies?

Mr. Kidney: I fear that the hon. Gentleman prepared that question before he listened. The Government intend to strengthen the powers of Ofgem in order to ensure that the consumer's interest comes first and that Ofgem has the powers to act immediately when abuse is affecting consumers.

Mr. Elliot Morley (Scunthorpe) (Lab): Does the Minister agree that one of the best things for consumers in the business sector and the domestic sector is to have the best knowledge of what they are using and the prices that they are paying? In that respect, can he give some indication of the progress in the roll-out of smart meters, which contribute towards that? I have heard that there is some delay and wonder whether he can comment on that.

Mr. Kidney: I am grateful to my right hon. Friend for reminding us all that consumers include business customers as well as domestic customers. This country has a very ambitious smart metering programme to complete an entire change in all businesses and domestic properties, with more than 40 million meters by the end of 2020. There is no delay to that programme, and I assure my right hon. Friend that we are very excited about it and that we intend it to go ahead.

Simon Hughes (North Southwark and Bermondsey) (LD): Given that Energy Ministers in the past, and Ofgem up to now, have been so feeble in dealing with abuses by the big energy companies, will the Minister commit to giving us the opportunity to have an energy Bill in the next session whereby we can give real tough powers to Ofgem? Secondly, will he consider referring the energy industry to the Competition Commission?

Mr. Kidney: I am grateful to the hon. Gentleman for giving me the power to announce the Government's next legislative programme. As I said in my first answer, subject to the proper procedure of this House we do intend that there will be legislation. The regulator, Ofgem, has the principal responsibility for referrals to the Competition Commission, but I hope the hon. Gentleman will have regard to the new quarterly publication of the relationship between wholesale and retail prices. I think that is starting to turn consumers' heat onto their energy suppliers.

Some licence changes have taken place, and some are about to, but three things taken together—the results of the probe, the licence changes and our legislative proposals—will ensure that the heat continues to be kept on suppliers.

David Taylor (North-West Leicestershire) (Lab/Co-op): Some of the worst forms of overcharging have typically involved the exploitation of pre-payment meter users. Ofgem has started to tackle that, but will the Minister be taking up one of its present campaigns, which is for a more formalised social tariff system that would help the oldest and poorest consumers to meet their bills over the coming winter?

Mr. Kidney: One licence change that has been implemented is on pre-payment meters, and I answered a parliamentary question last month in which I showed that the difference between standard credit and pre-payment charges has already been all but eliminated as a result. I am very pleased about that because some of the poorest consumers were affected by overcharging on pre-payment meters. As for social price support, in our legislative proposals we hope to expand on the voluntary scheme that is already helping more than 1 million households.

Gregory Barker (Bexhill and Battle) (Con): Despite the huge drop in wholesale prices in recent months, the Department's own statistics show that more than 4.5 million people will be in fuel poverty this winter, which is a massive increase on last year. When we called last year for an investigation by the Competition Commission, the Minister dithered and said he would talk to Ofgem, because he thought that that would offer a quicker solution. Will the Government now commit to taking real action and holding a quick, forensic investigation into why the consumer is getting such a raw deal from the energy companies under this Government?

Mr. Kidney: The hon. Gentleman must surely agree that we would still be waiting for the result if we had taken his course of action a year ago. Instead, in that time we have had the changes to the licence conditions that are making a difference, and we have also committed to legislative changes. In the meantime, the Government's programmes and spending have saved between 400,000 and 800,000 other households from falling into fuel poverty. That is an achievement in itself.

Copenhagen Summit

10. **Lynda Waltho** (Stourbridge) (Lab): What steps he is taking to promote public awareness of the Copenhagen climate change summit; and if he will make a statement. [297759]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): The decisions made at Copenhagen will affect everybody in the UK and around the world for generations to come. So that everyone in the UK can see what we are arguing for in the negotiations, the Government have published the "Road to Copenhagen" which, for the first time, explains our position to the wider public. We also keep people informed through our website and through advertising.

Lynda Waltho: I thank my hon. Friend for that answer. In the run-up to Copenhagen, will she confirm her Department's support for low-carbon transport initiatives such as the Parry People Mover, which is a light rail car that runs on the Stourbridge line? It makes an important contribution to the local economy in terms of jobs and green technology. Will she, or the Secretary of State, accept my invitation to come and ride on it?

Joan Ruddock: I am very grateful to my hon. Friend for her final offer. I fear that the Secretary of State and I are so preoccupied with the international discussions that we are frequently out of the country, but we will of course try very hard to make a new year resolution to accept her invitation.

I should tell my hon. Friend that we are keeping people informed through the Act on Copenhagen website, to which there have been 80,000 unique visitors. In addition, 60,000 copies of the document have been distributed, including to schools, GP surgeries, libraries and so on. It makes a real difference when people can see local examples of how to move to low carbon, such as the transit system to which she referred—which has, of course, been supported by the Department for Transport. It is through seeing what happens on the ground that people will learn what it is possible to do to meet our low-carbon aims.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Was it wise of the Government to spend £6 million of taxpayers' money on a propaganda film showing a father telling fairy stories to his daughter, particularly when the stories turn out to be alarmist tales of British cities drowned under water? Might not one result of that be that it has put the idea into people's minds that this is all a fairy story, with fewer people in this country giving credence—

Mr. Speaker: Order. I think that we have got the drift of the question. *[Interruption.]* Order. Let me make it clear to the right hon. Member for Hitchin and Harpenden (Mr. Lilley) that when I rise, he sits down. His question was too long and it is at an end.

Joan Ruddock: The right hon. Gentleman is someone who does not accept the science and the consensus around it—*[Interruption.]* That is what he appears to be saying. The people who have expressed concerns about the advertisement tend to be in that category. We are trying to make it clear to adults that the science has a great worldwide consensus, that climate change is under way, and that if the Government and everyone else do not act, their children will suffer owing to catastrophic climate change. This is not an exaggeration; we have already had terrific floods in this country as a consequence of climate change. It is important to let people understand the truth, and it is the Government's responsibility to allow that to happen.

Marine Energy

12. **Paul Flynn** (Newport, West) (Lab): How much the Government spent on marine energy projects in each of the last three years. [297762]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I hope that my hon. Friend will forgive me, but I have only a figure for the overall spending over three years by my Department and its predecessor: £6.3 million on marine projects ranging from the Severn tidal project to infrastructure support and environmental research. There has been other spending by the research council, the Technology Strategy Board, the Carbon Trust and the Energy Technologies Institute. Additionally, the Government announced an extra £60 million for measures to accelerate the development and deployment of wave and tidal energy in July's renewable energy strategy.

Paul Flynn: Will tidal barrages and new nuclear both be treated as major projects under the Infrastructure Planning Commission's procedures?

Mr. Kidney: I am intrigued by the way in which my hon. Friend has managed to get nuclear into a question about marine energy. As far as marine projects are concerned, it will depend on the final announcements that are about to be made and, of course, the size of the project proposed. At the beginning, I think it would be unlikely that marine projects would be of the size relevant to the new commission.

Energy Pricing

13. **Tony Baldry** (Banbury) (Con): What recent discussions he has had with the Office of Gas and Electricity Markets on the simplification of energy tariffs. [297763]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): Ministers meet Ofgem frequently to discuss a range of current issues, including consumer issues in the energy markets. Ofgem has recently established new standards for energy suppliers, including requirements that suppliers must not sell a customer a product or service that he or she does not fully understand or that is inappropriate for their needs and circumstances, and that they must not offer products that are unnecessarily complex or confusing.

Tony Baldry: Competition is inherently good, but when one has so many tariffs, they simply obfuscate rather than clarify, and it is difficult in such circumstances for the consumer to compare like with like. Does the Minister think that there should be greater simplification of energy tariffs?

Mr. Kidney: The hon. Gentleman clearly articulates the conundrum that while we want open markets, competition and innovation, we do not want people to be bamboozled by enormous changes to the offers made, meaning that they are not comprehensible. One of the licence conditions put in place by Ofgem in September—I referred to it earlier—was the new requirement for information on every bill and for an annual statement to consumers. It is hoped that that will enable consumers to be better informed about the decisions that they make and therefore more empowered.

Charles Hendry (Wealden) (Con): It must clearly be absurd that consumers are faced with dozens—and sometimes hundreds—of alternative tariffs, which must only add to confusion rather than to choice, so will the Minister use an energy Bill to provide greater clarity? Does he accept that social tariffs should always be the lowest tariffs available? Does he accept that consumers should be able to see how much less they would be spending if they were on the cheapest tariff on offer from their provider? Does he accept that consumers should also be able to see how much electricity—

Mr. Speaker: Order. Let me say, I hope for the last time, that Front-Bench Members must ask a question, not a series of three questions. I want to facilitate Back Benchers in this place.

Mr. Kidney: Ofgem has already ruled that if any energy company is to say that it is offering a social tariff, that must be the lowest tariff that it offers. When we have the opportunity, we intend to legislate for mandatory social price support. If such a measure is in an energy Bill in the near future, I am sure that the hon. Gentleman and I will be able to debate its precise terms.

Nuclear Waste

14. **John Barrett** (Edinburgh, West) (LD): What the Government's latest estimate is of the costs of disposal of the UK's current nuclear waste. [297764]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): Under the Energy Act 2004, the Nuclear Decommissioning Authority is responsible for the decommissioning and clean-up of the UK's public civil nuclear sites. The cost of disposal is influenced by many different factors, including the inventory of waste, the timing of waste arisings, the geology at the site in question and the design of the geological disposal facility. The NDA's estimate, as given in its 2007-08 annual report, for the undiscounted total lifetime costs of a geological disposal facility for higher activity wastes is £12.2 billion.

John Barrett: Does the Minister accept that when the full costs of disposing of nuclear waste are taken into consideration, electricity generation by nuclear power proves to be a very expensive option?

Mr. Kidney: The hon. Gentleman must make a distinction between the historical cost, which we as a nation are picking up and our taxpayers are paying, and the future cost, which we will require the energy companies to cover in their propositions. They will make the decision whether it is economic to go forward on that basis, and so far some of those companies have made decisions totalling £13 billion of investment in new nuclear in this country.

Low Carbon Transition Plan

15. **Shona McIsaac** (Cleethorpes) (Lab): What recent representations he has received on the Government's low carbon transition plan; and if he will make a statement. [297765]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): I and my ministerial colleagues have received a large number of comments and representations since the publication of the transition plan and its associated documents on 15 July, including from key international partners involved in negotiations at Copenhagen and the organisations and bodies that will help us to deliver the required emissions reductions in the UK.

Shona McIsaac: I thank my hon. Friend for that reply, but most of my constituents probably do not know what a low carbon transition plan is, so will she explain to the House and to a typical resident of north Cleethorpes, living in small, terraced accommodation, what the Government will do to make their homes more energy efficient?

Joan Ruddock: First, I can tell my hon. Friend that a small leaflet is available, and we would be very pleased to give one to her with a simple explanation for her constituents. On the point about homes, we are channelling about £3.2 billion to help households to become more energy efficient; we are piloting a pay-as-you-save programme to help people to invest in more expensive means of insulation; next year we are introducing the clean energy cashback scheme so that people can generate their own energy and be paid to do so; and we will be rolling out smart meters. There is thus a huge programme of activity to help householders such as my hon. Friend's constituents.

Topical Questions

T1. [297772] **Mr. Graham Stuart** (Beverley and Holderness) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Energy and Climate Change (Edward Miliband): In the summer, my Department set out the UK low carbon transition plan. Central to that is planning reform, and we will shortly publish the energy national policy statement, which, alongside the Infrastructure Planning Commission, is designed to speed up the planning process for the benefit of all citizens of Britain.

Mr. Stuart: Further to the meeting of 100 legislators from large economies in Copenhagen two weeks ago, will the Secretary of State agree to meet the cross-party delegation and ensure that the principles agreed are shared with not only UK negotiators but European Union negotiators?

Edward Miliband: It will be my pleasure to do so. I was actually due to attend the conference, but family responsibilities took precedence, and that was right for a range of reasons. However, I will definitely meet the legislators to which the hon. Gentleman refers. GLOBE International plays a very important role and will be very important in the next month, too.

T2. [297773] **Gordon Banks** (Ochil and South Perthshire) (Lab): What comments can my right hon. Friend offer in relation to solicitors overcharging on miners compensation schemes?

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I had my most recent meeting with the Legal Complaints Service and the Solicitors Regulation Authority yesterday, and I was saddened and disappointed to hear of so many lawyers who have taken money from vulnerable mineworkers and their bereaved widows when the state has paid them for their services, too. The Legal Complaints Service tells me that it has pursued so many solicitors for overcharging and poor services that it has made them repay about £3 million to their clients. The Solicitors Regulation Authority has prosecuted a number of firms, and they have had to make repayments of more than £3 million to their customers. For such an ethical profession as law, and as a lawyer myself, I am very disappointed.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The Secretary of State earlier highlighted the importance of new investment to secure our electricity supplies. Will he ensure that people are not driven into fuel poverty just paying to keep the lights on?

Edward Miliband: The hon. Gentleman is right, and we need to be candid about the issue because it is a very big challenge. The pressures on energy prices will be upwards in the coming decade, and we need to do all we can to protect the fuel poor. That is why my hon. Friend the Under-Secretary rightly talked about compulsory price support. I know that the hon. Gentleman campaigns, in particular, on behalf of people who are off the gas grid and who face particular issues. We must ensure that they too receive proper protection as we make the low-carbon transition.

T3. [297774] **Tony Lloyd** (Manchester, Central) (Lab): Will the Government reject the siren appeals of the climate change deniers of the Opposition and those who challenge the Act on CO_2 ads, and confirm that it will be their policy, as a responsible Government, to get across the message that individuals have to be responsible for turning back the days of climate change, and that only by shocking ads will we get that across to the British public?

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): I thank my hon. Friend for his question. There is a balance to be struck between shocking people and enabling them to think about an issue and resolve to act on it. We have carefully researched how to advertise in a responsible way. We will continue to do that, because it is essential that the British people understand what we are trying to achieve, why we need to move to a low-carbon economy, and why they can be part of it, given that 42 per cent. of all emissions in this country are the result of our own individual actions.

Mr. Philip Hollobone (Kettering) (Con): Is the Secretary of State aware that the town of Kettering was recently chosen by the United Nations to be the United Kingdom's representative on a pre-Copenhagen international consultation on climate change in which 93 per cent. of participants said that the Government should attach a high priority to signing up to any climate change deal at Copenhagen?

Joan Ruddock: We are very keen for local people to be involved in any discussions. That is why we published the document entitled the "Road to Copenhagen", why we have a website, and why we encourage people to be in contact with us. It is important that people understand these issues and that they have a sense of ownership, because this is a global problem where we can all feel that we can contribute and have our voices represented by our Governments in getting the most ambitious, effective and fair deal possible.

T4. [297775] **Chris McCafferty** (Calder Valley) (Lab): Given that the UK is the No. 1 EU donor on reproductive health matters, what is the Government's position at Copenhagen on population pressures in terms of climate change, adaptation and mitigation?

Edward Miliband: Population is definitely an issue in relation to climate change; my hon. Friend is absolutely right. Many people make that point to me at meetings

that I attend. As she implies, the answers to this are the traditional answers that we know work, particularly in developing countries, in terms of women's education and ensuring that development aid goes to women. The economic growth that the world will see over the next 50 years far outweighs, in terms of its impact on carbon emissions if we do nothing, the impact of population issues. The real challenge is to break the link between economic growth and carbon emissions.

Mr. Rob Wilson (Reading, East) (Con): In January, the UK was down to only a few days' gas storage, while Germany typically has 99 days and France has 120 days. Current Government plans extend this only by a few hours. Does the Minister agree that it is time to secure our gas storage facilities?

Edward Miliband: We do need more gas storage in this country, and there are 18 projects under way. A new gas storage project at Aldburgh is coming on-stream this winter. This is not only about gas storage but about our import capacity, which is up by 25 per cent. since last winter; indeed, our import capacity now represents 125 per cent. of total demand. We need more gas storage—the hon. Gentleman is right about that—but we also need to have import capacity as North sea capacity declines, and to make the transition to other low-carbon fuels.

T5. [297776] **Mr. Jim McGovern** (Dundee, West) (Lab): It is possible that this question has been asked, and answered, but it is so important that it is worth repeating. How will the poorest people in my constituency and, indeed, in the city of Dundee generally, benefit from the community energy saving programme?

Joan Ruddock: I thank my hon. Friend for his question. CESP, a new programme that began in September, is designed to apply to areas that have the very lowest decile income groups. His constituency certainly meets that criterion. A total of £350 million will be invested in energy-saving measures over the next three years, coming from suppliers and generators in 100 low-income communities. I can tell him that British Gas has already announced agreement in principle to work with local authorities in 10 areas: Dundee, Glasgow, Swansea, Preston, Knowsley, Birmingham, Walsall, Blacon in Cheshire, Southwark and Haringey. We hope that they will undertake measures such as solid wall, which we have long pressed for as a means of helping those with the most difficult homes to insulate.

Sir Nicholas Winterton (Macclesfield) (Con): With the introduction of climate change measures, what is the average additional levy that gas and electricity users pay on their bills each quarter?

Edward Miliband: We said in the low carbon transition plan, which is getting a lot of airtime today, that the impact of the climate change measures that we announced in it would be about 6 per cent. on bills by 2020, or about 8 per cent. including previous measures.

It is important to say that we do not believe there is a low-cost, high-carbon future out there, even if we wanted to pursue it. As we import more gas and as demand from China, India and other countries goes up, if we do not transition to other fuels we will be subject to more volatile prices as a result of growing demand from those countries.

T6. [297777] **Paul Flynn** (Newport, West) (Lab): Why are expensive new nuclear developments advancing at the speed of a striking cobra while good value, clean marine developments are moving at the pace of an arthritic sloth?

Edward Miliband: I will draw on the compliment paid to us by my hon. Friend that we are advancing with the speed of a striking cobra as far as the nuclear industry is concerned. I am sure that Opposition Front Benchers agree with that point.

On the sloth issue, in the marine industry part of the challenge has been proving the marine technology. I think there was some recent good news on that from a company called Marine Current Turbines. We set up the marine renewables deployment fund of £50 million, and the condition agreed with the industry was that the technology had to work for three months. The problem has been that it has not been able to work so far, which is why we have set up an intermediate fund to help companies over that barrier.

Several hon. Members *rose—*

Mr. Speaker: Order. The House needs to proceed with the speed of a striking cobra if we are to maximise the number of colleagues who get in.

Miss Anne McIntosh (Vale of York) (Con): The Secretary of State wants to speed up the planning process for public planning inquiries. Will he therefore go out and educate the public on energy from waste plants? If he truly believes that they are not harmful, why is he not explaining that to the Great British public?

Edward Miliband: The hon. Lady makes an important point. I am not promising adverts, but we will take up her suggestion.

T7. [297778] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): It is clear that most people are much more positive and objective about wind energy if they own the project, whereas problems arise when they see outside companies coming in to do something to the local area. Will my right hon. Friend look again at the case that I outlined in Westminster Hall on 12 July 2006 and get his Department to act to promote community ownership of wind energy?

Edward Miliband: My right hon. Friend, who has a proud history of work in the co-operative movement, makes an important point. I was not aware of the debate of 12 July 2006, but I can look forward to it as bedtime reading.

T9. [297780] **Mr. Jim Cunningham** (Coventry, South) (Lab): If we had not made changes to planning laws, how long would it take to build a nuclear power station?

Edward Miliband: My hon. Friend makes an important point. The experience of Sizewell B in the 1980s is a very good reason for changing the planning system.

The Opposition Front Benchers are nodding, and I hope that their nods will be translated into support for our Infrastructure Planning Commission.

T10. [297781] **David Taylor** (North-West Leicestershire) (Lab/Co-op): The Secretary of State has spoken today about the dual role of renewables in providing additional generating capacity and tackling climate change. How happy is he with the equity and effectiveness of the proposed new feed-in tariffs? It is envisaged that there will be payments of 31p per unit for new houses and 36.5p for retrofitted houses, but a miserly 9p for existing systems installed by community pioneers.

Edward Miliband: We are in the midst of a consultation on this question, but I say to my hon. Friend—this goes back to the question that the hon. Member for Macclesfield (Sir Nicholas Winterton) asked—that we always have to remember not just the people who want to have wind turbines and solar panels, important though that is, but those who pay the bills, who are the consumers. There is a balance to be struck, but we are in the middle of a consultation and will of course listen, as we always do.

Mr. David Clelland (Tyne Bridge) (Lab): Are Ministers aware of the reception held in the House yesterday by National Energy Action, which among other things drew attention to the health through warmth programme? Will they congratulate npower and all those involved in the programme? How can the Department help that programme to continue and grow?

Mr. Kidney: I am delighted to congratulate my hon. Friend on raising this issue and the health through warmth programme, which also exists in my constituency. I have visited schemes in the past and I offer to draw attention to the successes of the programme soon, because it is one of the ways in which organisations such as local authorities, the health service and energy companies come together to identify people in need of help to insulate their homes, improve their health, save on their budgets and cut carbon emissions at the same time.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): What opportunities are presented by the likely signing of the Lisbon treaty for Europe to work together to tackle climate change?

Edward Miliband: My hon. Friend asks a very important question. It is important that Europe speaks with one voice—we have seen that in relation to the finance proposals—but we should also be careful about the company we keep in relation to Europe and the issue of climate change. We should be in the mainstream, not on the fringes. Frankly, I think hanging around with climate change deniers is a very big mistake.

Business of the House

11.30 am

Sir George Young (North-West Hampshire) (Con): Will the Leader of the House give us next week's business?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week is as follows:

MONDAY 9 NOVEMBER—Consideration of Lords amendments to the Coroners and Justice Bill.

TUESDAY 10 NOVEMBER—Consideration of Lords amendments to the Welfare Reform Bill, followed by consideration of Lords amendments to the Health Bill [*Lords*], followed by, if necessary, consideration of Lords amendments to the Local Democracy, Economic Development and Construction Bill [*Lords*].

WEDNESDAY 11 NOVEMBER—Consideration of Lords amendments to the Apprenticeships, Skills, Children and Learning Bill followed by, if necessary, consideration of Lords amendments.

Colleagues will wish to be reminded that the House will meet at 2.30 pm on that day.

THURSDAY 12 NOVEMBER—If necessary, consideration of Lords amendments, followed by consideration of Lords amendments to the Policing and Crime Bill, followed by, if necessary, consideration of Lords amendments.

The House will be prorogued when Royal Assent to all Acts has been signified.

Sir George Young: I am grateful to the Leader of the House for the forthcoming business.

Yesterday, the right hon. and learned Lady said that she would table the motion on Professor Sir Ian Kennedy's appointment as chairman of the Independent Parliamentary Standards Authority within the next few days. Will she ensure that the House is given fair warning so that that does not just pop up on the Order Paper by surprise, as the appointment of the Speaker's Committee on IPSA did last week?

May I repeat the call for a debate on how Sir Christopher Kelly's report will be implemented? Despite what the right hon. and learned Lady said yesterday, of Kelly's 60 recommendations, I have counted at least 12 that are decisions that need to be taken by the House, and another 10 recommendations on strengthening IPSA will require primary legislation. That means that more than a third of Sir Christopher's report requires the attention of the House rather than that of the independent regulator. The right hon. and learned Lady said yesterday that she did not think that we should be addressing the question of legislating to change the IPSA structure, but is it not clear that that is exactly what we shall have to do if, as she said yesterday, we implement Kelly's proposals in full?

May we have a statement from the Prime Minister on his assertion on 10 June that Government action has saved 500,000 jobs? Both the Prime Minister and the Chancellor have repeatedly used that figure in the House to justify Government decisions over the past 12 months, but last night the Treasury published documents under the Freedom of Information Act showing that the advice given to Ministers before this year's Budget was that a figure of

"between 250,000 and 450,000"

could be used, but that any

"public statement should be worded carefully".

Moreover, the documents make it completely clear that it could be seen as spurious for the Government even to claim that number, because monetary policy, which we have consistently supported, is independent of Government. Will the Prime Minister and the Chancellor take an early opportunity to correct the record?

The Committee on Reform of the House of Commons is due to set out its findings by the end of next week. Will the right hon. and learned Lady confirm that when it is published she will make an oral statement to the House on how the Government plan to take forward that Committee's recommendations? When might we have an opportunity to debate that Committee's important report?

Next Monday, we were due to debate secondary legislation on the 2011 census. That debate has been unexpectedly postponed. Given that we have expressed real concerns about the intrusive nature of some of those questions, is that an indication, as we hope, that the Government have decided to reconsider the invasive format of the new census?

May I ask the Leader of the House yet again to provide us with the date of the pre-Budget report? The Chancellor had his opportunity at Treasury questions on Tuesday, but did not take it. There are reports that the Prime Minister is clashing with the Chancellor over the former's plans for a massive new spending spree before the election. Do the Government not owe it to the public to come clean on their spending plans?

Finally, on the economy, may we have a statement on the recent outburst from the Government's enterprise tsar, Lord Sugar—that the majority of small firms are just "moaners" who need not a bank but an insolvency practitioner? Is that not a rather unusual way to champion a sector that is normally referred to as the lifeblood of the economy? With the Federation of Small Businesses calling for Lord Sugar to go, does the Leader of the House think that he still has the confidence of the companies that he is meant to be representing? Or is it time to say, "You're fired"?

Ms Harman: I have undertaken to the House that we will bring forward the motion as soon as possible to endorse your choice, Mr. Speaker, of Professor Sir Ian Kennedy as the chair of the new Independent Parliamentary Standards Authority. Notification to the House will be made in the normal way.

On the issue of decisions that need to be taken by the House and those that would need legislative change, it is helpful to look at the Kelly report proposals for substantive changes in respect of a new allowance system. Effectively, Sir Christopher Kelly has proposed a new allowance framework, and that should be the priority, along with setting up the Independent Parliamentary Standards Authority. As far as the House is concerned, we need to help the Independent Parliamentary Standards Authority get on with its work by endorsing the appointment of the chair. It will then be for the authority to take

forward the Kelly proposals and implement them. That is the central and important objective. The other issues can be looked at, but they are not germane to the aim of having a new allowance system, based on Kelly's proposals, in place and ready for the new Parliament.

The right hon. Gentleman asked about the half a million jobs that would have been lost had the Government not taken action. Perhaps I may identify for him the action that we have taken which, had the Conservatives been in government, would not have been taken, but which has made such a difference in protecting jobs. First, we brought forward capital projects, which not only ensures good capital investment in schools and health centres, but provides jobs. If we had not done that, it would have cost jobs. We also brought forward our time to pay proposals for businesses, so that they are not put out of business because they cannot pay their taxes as a consequence of the global financial crisis and the credit crunch—

Sir Nicholas Winterton (Macclesfield) (Con): This is a party political broadcast.

Mr. Speaker: Order. May I say to the hon. Member for Macclesfield (Sir Nicholas Winterton) that I require no assistance from him—*[Interruption.]* Order. I am chairing the proceedings. If the hon. Gentleman wishes to participate, he should sit and listen.

Ms Harman: Thank you, Mr. Speaker.

Some 200,000 businesses have been able to defer payment of tax and stay in business through the difficult economic times, and that has saved jobs. If those firms had been put out of business because they had been made insolvent by HMRC, that would have cost jobs. Then there is the temporary 2.5 per cent. VAT cut, which helped the economy, and that has helped jobs.

We have also taken other fiscal stimulus measures, including the increase in child benefit and pensions. All those measures have preserved at least half a million jobs, and we therefore stand by that figure. There will be further discussion in the pre-Budget report about the economy, and our plans will be laid out. If hon. Members want to ask anything else, they can discuss the matter, no doubt, in the economic part of the debate on the Queen's Speech.

The right hon. Gentleman asked for an opportunity to debate the proposals from the Committee Reform of the House of Commons, and I will look for, and discuss with him, when is the best opportunity for the House to discuss those important proposals. He also asked about the census. I do not know the answer to that question. I will have to find out—or perhaps someone will tell me before the end of business questions. If they do, I will interpose it in an answer to somebody else's question.

I think that is it. [Hon. Members: "Lord Sugar?"] That is certainly it.

Mr. David Heath (Somerton and Frome) (LD): First, I thank you, Mr. Speaker, and all the Officers of the House, for the conduct of the meeting of the Youth Parliament last Friday. I thought that it was a huge success, and we should mark it as such.

Will the Leader of the House consider the way in which the Constitutional Reform and Governance Bill has been timetabled? That constitutional [illegible] is in Committee of the whole House, and 16 clauses and one schedule have already gone through without any debate, simply because of timetabling by the Government. That is simply unacceptable. Will she ensure that the following days of Committee will not be curtailed in that way and that we have full and proper discussion of the very important matters that should be under scrutiny?

The whole country is debating, almost on a daily basis, the grim news from Afghanistan. The only place where there has not been a recent opportunity to do so is in this Chamber. It is time that we had a full day's debate on the policy being pursued in Afghanistan, not simply from a military point of view, but from a foreign affairs point of view too. We need to ask some serious questions about the position in which we are putting our very brave and professional troops in Afghanistan. It is time for the House to have that debate.

May we also have a debate on the Government control of IT systems? The computer system for criminal justice managed to waste £41 million through delays and cost overruns, and £161 million cannot be accounted for in the management of that project. Two years ago, it was abandoned. We are used to appalling IT procurement, but that really is a humdinger. It is time that we had a debate on the matter.

Finally, may we also have a debate on consumer protection? I am concerned that many trading standards departments, including mine in Somerset, seem no longer to give consumer advice. That is wrong. It means that consumers are not provided with protection from being ripped off over shoddy goods, false claims or cast-iron guarantees that prove worthless.

Ms Harman: The hon. Gentleman stole a march on me and the shadow Leader of the House in thanking you, Mr. Speaker, and everyone else who took part in helping the Youth Parliament. It was a brilliant occasion, and I hope that we will do it again. It was fantastic.

All proceedings of the Constitutional Reform and Governance Bill in Committee are being taken on the Floor of the House, and it was agreed without Division that we should have four days in that Committee of the whole House. Then it came to dividing up the subjects for each day. The day before yesterday—or was it yesterday?—25 of the 27 groups were gone through. The Bill was, of course, subject to detailed pre-legislative scrutiny by a Committee of both Houses, but in reality there is discussion across the parties about how to organise the debates. It is not possible to predict with complete accuracy how many speakers will be attracted to each debate; it is not an exact science. However, we have no interest in anything other than ensuring that the House has as much time as it needs, and that it is apportioned properly across each section of the legislation.

We all remain deeply concerned about the situation in Afghanistan. It is always addressed at Prime Minister's questions, and I think that we will need to return to it. As I have announced, we have no space for general debates before the Queen's Speech, because we have all the Lords amendments coming back from the Lords prior to the House proroguing before the Queen's Speech. There will be the debates after the Queen's Speech, but I will need to look for an opportunity for us to have a debate on Afghanistan shortly.

[Ms Harman]

The hon. Gentleman mentioned what he described as the humdinging computer issue in the Ministry of Justice. I would simply say that Justice questions are next week.

Emily Thornberry (Islington, South and Finsbury) (Lab): While the Kelly report is to be welcomed, some aspects of it need clarification. Can my right hon. and learned Friend help us by explaining the transitional arrangements for the communications allowance?

Ms Harman: There are a number of transitional issues, including the communications allowance. We have put in place transitional arrangements, following the decisions of the House in April, May and June. We now have the Kelly report, and the Independent Parliamentary Standards Authority will come into place for the next Parliament. Colleagues will want to be sure that they are aware of how they should be doing things in the post-Kelly, pre-Independent Parliamentary Standards Authority transitional period that we are now in, particularly in respect of the property valuation date of 4 November that Sir Christopher Kelly has proposed.

I am grateful to the Chairman of the Committee on Members Allowances, my right hon. Friend the Member for Islwyn (Mr. Touhig), who has undertaken to identify the issues that hon. Members are asking about and to liaise with Sir Christopher and the Independent Parliamentary Standards Authority, as well as the House authorities, to ensure that the House authorities issue clear guidance to Members on the matters of concern to them in the interim period. Members will therefore receive proper guidance right away from the House authorities on the decisions that they will have to take.

On the communications allowance, the issues are the use of communications expenditure and the regulated period for election expenditure under the Political Parties and Elections Act 2009, under which new expenditure limits will come into force. There is also the ceasing of the use of the communications allowance in an election period. There have been discussions across the parties, and, having reached an agreement, the Justice Secretary has indicated that he will sign the order bringing into effect the new financial limits for election spending, which will start from 1 January. The proposal is that the use of the communications allowance should end on 31 December, after which the new election expenses limits will come into force.

I know that hon. Members will be concerned about how they advertise their advice surgeries, for example, once the communications allowance has ceased. We will have to have some guidance on that from the Members Estimate Committee. Indeed, it might be possible to deal with that under the office cost allowance.

Several hon. Members *rose—*

Mr. Speaker: Order. From now on I want to make much faster progress. Brief questions and brief answers are required.

Mr. Lee Scott (Ilford, North) (Con): Will the Leader of the House look into holding a debate on the cuts to accident and emergency services at hospitals such as King George hospital, which serves my constituency?

Ms Harman: There are no cuts in the national health service, but there certainly would have been if public spending had been under the control of the Conservative party over the past 10 years.

Ms Sally Keeble (Northampton, North) (Lab): My right hon. and learned Friend shares my concerns about the position of women in the financial services industry, but does she share my concern that the Government mandate for the Walker review on banking governance does not refer specifically to the position of women in banking? Will she organise a debate on that important subject, so that we can ensure justice for women in the financial services industry?

Ms Harman: The important thing is that the financial services industry should work properly and draw on the best talents and abilities of the country as a whole. It clearly is not doing that if it continues to operate as an old boys' network, as it is now. Although my hon. Friend is a great example, as she is a member of the Treasury Committee, I am afraid that the Committee itself is setting a bad example, because she is the only woman serving on it. Good governance requires a meritocracy, and an old boys' network is certainly not a meritocracy.

Mr. Andrew Tyrie (Chichester) (Con): Will the Government find time soon to debate the proposals that I am publishing today on behalf of the all-party group on extraordinary rendition, to try to get a clampdown on extraordinary rendition and give the public confidence that Britain will no longer be used, either directly or indirectly, for that practice?

Ms Harman: The Government have made it absolutely clear that we will not allow this country to be party to, participate in or be used for the process of kidnapping and abduction, or illegally transporting detainees across borders. That is not something that we accept or endorse, and all of those are already criminal offences.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): May I tempt the Leader of the House to have an early debate on the nature of childhood, and on how we protect children and prescribe certain legislative guarantees that make children and childhood safe in our time?

Ms Harman: My hon. Friend, the Chair of the Children, Schools and Families Committee, makes an important suggestion. Perhaps we can consider holding a topical debate on that subject, as it involves a number of issues about safeguarding children and the registration of people involved with them. Several of those issues have been raised recently, so perhaps we could do with having a debate on them on the Floor of the House.

Jo Swinson (East Dunbartonshire) (LD): As of this week, the footage and clips of what is going on here in Parliament are easily available to search and view on the excellent BBC Democracy Live website, so that the people out there can see the business of the House. The ability to share those clips with their friends or on their own websites is available for the European Parliament, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly—in short, everywhere but

Westminster. Will the Leader of the House take steps to ensure that the public have equal access to footage of the business of this House?

Ms Harman: I will look into that and liaise with the House authorities and my colleagues in the Department for Culture, Media and Sport.

Mr. Gordon Prentice (Pendle) (Lab): My early-day motion 2237 on the question of the referendum on the treaty of Lisbon was approved by the Table Office last night and subsequently gutted by a senior official to remove the names of Members who said two years ago that they wanted a referendum even if the Lisbon treaty were ratified.

[That this House calls on those hon. Members who have previously expressed the view that a referendum should be held on the Lisbon Treaty before or after ratification to clarify their position now that the Treaty has been ratified by all Member States.]

May I ask my friend on the Front Bench whether we can have an early debate on the whole question of the referendum, to allow the 45 Opposition Members who said that they still wanted a referendum even after ratification to debate the issue?

Ms Harman: I can give my hon. Friend a cast-iron guarantee that I will look into these issues. It is clear that we have had a cast-iron U-turn from the Opposition, who would put us on the margins of Europe and make it more difficult for us to pursue this country's objectives on the economy, climate change and security. The content of EDMs is a matter for the House officials; it is a matter for them to ensure that EDMs are expressed in appropriate language.

Peter Luff (Mid-Worcestershire) (Con): On the subject of cast-iron guarantees, may I remind the Leader of the House of one that the Government have given on many occasions to hold a debate on the pre-Budget report? May I push her for an early indication on that—it will be a particularly important pre-Budget report—and for a commitment on such a debate, please?

Ms Harman: We will look to have a proper opportunity for ensuring that there is a possibility of a debate on economic issues following the statement on the pre-Budget report. I am aware of the points that have been made by the right hon. Member for North-West Hampshire (Sir George Young) and many others about this issue.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): May we have a debate on the work and track record of the Advisory Committee on the Misuse of Drugs, and, in particular, on its consistent refusal to recognise khat, a root that is chewed primarily by people in the Somali community and that has a dangerous and damaging effect on mental health in such communities? The committee keeps claiming that there is insufficient evidence from a broad population base that it should be a proscribed drug.

Ms Harman: Perhaps my hon. Friend could look into having a debate on that in Westminster Hall or on the Adjournment. I am sure that other hon. Members would want to join in.

Mike Penning (Hemel Hempstead) (Con): Will the Leader of the House apologise to my constituents for saying a moment ago that there had been no cuts in the NHS under Labour? My acute hospital has been decimated: the accident and emergency unit has been closed, as have the maternity unit, the intensive care unit and the high-dependency unit. All the beds have been closed. The diagnostic unit has stayed open, along with the out-patients and minor injuries units. Is that really what the Leader of the House meant by "no cuts" in the NHS under Labour?

Ms Harman: There has been increased funding and improvement in services, resulting in fewer deaths from preventable diseases. If the hon. Gentleman is trying to say that the health service has got worse, he is not engaging with the reality. There has been more funding, more doctors, nurses and staff, and more equipment, and there are better outcomes for people's health and for saving lives. That is the same in his constituency as anywhere else across the country.

Paul Flynn (Newport, West) (Lab): When can we debate our reliance on the corrupt, depraved, drug-addicted, murdering thieves of the Afghan police?

Ms Harman: We are all concerned about the situation in Afghanistan and about what happened in relation to the Afghan police, with the terrible loss of our soldiers' lives. I will look for an opportunity to debate that as soon as we can after the Queen's Speech has been concluded.

Mr. Andrew Mackay (Bracknell) (Con): May I assist the Leader of the House by giving her an opportunity now to answer the question about Lord Sugar? Will she tell us whether she will apologise for his outrageous remarks. If not, does that mean that she endorses them?

Ms Harman: I am afraid that I have not actually seen the remarks that were made. I do not know whether they were made in the House of Lords or on a TV programme, but I will look into them.

Colin Challen (Morley and Rothwell) (Lab): Now that the House looks set to adopt the Kelly review in full, will my right hon. and learned Friend introduce a similar review of all taxpayers' money, whether it is spent by quangocrats, senior civil servants or retired civil servants, or whether it applies to the recipients of Government money through contracts, so that businesses—including newspapers that take Government advertising—can also be brought into this regime of openness and transparency?

Ms Harman: My hon. Friend has made a wide-ranging point about transparency, and he makes a good point about the higher echelons of public sector pay. That subject is currently being looked at by the Chief Secretary to the Treasury. We can all recognise that the top of public sector pay has got completely out of hand, with many people being paid more than the Prime Minister. We need to get a grip on that and sort it out. I also think that pay transparency is very important in the private sector, and that is one of the things that will be in the Equality Bill.

Mr. Nigel Dodds (Belfast, North) (DUP): Given the greater attention that the House is now, rightly, paying to public opinion of this House, may we have a debate on why the British people continue to be denied their say on the relationship between the UK and the European Union? Why does there appear to be a conspiracy across all the main parties to deny the people of the United Kingdom their say? It is what they want; why can they not have their say?

Ms Harman: The people of the United Kingdom have general elections in which they elect Members to this House, and we decide things as elected representatives thereafter. We are accountable for our decisions to our electorate.

David Taylor (North-West Leicestershire) (Lab/Co-op): The centenary year of Girlguiding UK has just commenced. May we have a short debate on the merits of that estimable organisation? It has 100,000 adult volunteer leaders and 20,000 supporters providing a framework that enables 450,000 Rainbows, Brownies and Guides to enjoy a girl-led programme that builds skills, confidence and self-esteem in a phenomenal way.

Ms Harman: I agree with my hon. Friend's tribute to the Girl Guides, and this might be a subject for a debate in Westminster Hall or on the Adjournment.

Christopher Fraser (South-West Norfolk) (Con): I have called for a debate on the legacy of the Olympics before, but there are now real concerns that the promise of increased grass-roots participation in sport is not being delivered. There are now 1,000 days until the Olympics. Does the Leader of the House accept that we need time in this House to debate the legacy of that event?

Ms Harman: There is going to be a fantastic Olympics and a fantastic legacy in many, many respects. We shall have Culture, Media and Sport questions on Monday, at which time the hon. Gentleman can put his questions to the Minister.

Mr. David Drew (Stroud) (Lab/Co-op): I welcome what my hon. Friend the Member for Pendle (Mr. Prentice) said about the Lisbon referendum, which proves that some of us have not changed our minds. I also welcome what my right hon. and learned Friend the Leader of the House said in reply to the hon. Member for Somerton and Frome (Mr. Heath) about a debate on Afghanistan, but will she ensure that that debate is on a substantive motion?

Ms Harman: As I have said, I will consider how the House is able to participate in a debate on Afghanistan as soon as we possibly can. It is a matter of great priority for those on both sides of the House.

Greg Mulholland (Leeds, North-West) (LD): The all-party save the pub group has received evidence to show that the Office of Fair Trading decision to ignore the super-complaint from the Campaign for Real Ale is deeply flawed and represents a dereliction of duty by this public body. May we have an investigation and an urgent debate in the House about this very serious matter?

Ms Harman: There are business questions next week, so perhaps the hon. Gentleman would like to raise the matter with Ministers then.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): May I simply endorse the request from a number of Members for a debate on Afghanistan? When we went into that country, one of our objectives was to support the establishment of democracy, but the farce of the recent election has led many Members and members of the public to question our strategy, so that debate should be held as soon as possible.

Ms Harman: Although there have been recent statements, I think that, because of situation after the election and because of the continued tragic loss of life, it is right to have a debate on Afghanistan as soon as possible.

Mr. Peter Bone (Wellingborough) (Con): My constituents, Mr. and Mrs. Kemp and their eight-year-old daughter went to Egypt. As they went through the airport, they passed through an automatic temperature control. The little girl had a slight temperature: they had their passports confiscated, they were removed to a filthy isolation hospital and they were detained there against their will. May we have an urgent statement from the Foreign Secretary next week on the Egyptian policy of kidnapping British tourists?

Ms Harman: I will ask my ministerial colleague to write to the hon. Gentleman about that particular case.

Mr. Philip Hollobone (Kettering) (Con): On the eve of Remembrance Sunday and in a week that has seen a high-profile court case involving a young man who urinated on a war memorial, may we have a statement from the Ministry of Defence about the special and sacred way in which war memorials should be considered by the public and the sanctions available to the police and the law authorities to use against those who seek to ruin the memorials to people who have given their lives in the service of our country.

Ms Harman: I will ask the relevant Minister to write to the hon. Gentleman about that issue.

Mr. Mark Harper (Forest of Dean) (Con): May we have a debate about how to measure accurately the difference in pay between men and women? In one of her other guises, the Leader of the House is always very fond of quoting just one figure, but the Office for National Statistics made it clear yesterday that pay rates are an important but complex matter, and that a range of measurements should be used. According to one of those measures, men who work part time are shown to be paid less than women.

Ms Harman: I have had discussions with ONS about this and it has decided on three measurements. The top-line measurement is the average hourly pay difference between all employed men and all employed women. That is the top-line measurement. Below that, another measurement is the average hourly pay difference between men and women working full time, while the third measurement is the average hourly pay difference between men and women working part time. I would not want the hon. Gentleman to be under the misapprehension

that somehow men are paid less well than women. That is not the case. If one looks at men and women going out to work, we find that women are paid a fifth less than men across the average. I do not believe that per hour of their work, women are 22 per cent. less intelligent than men, 22 per cent. less hard working than men or 22 per cent. less valuable to their employers than men. That is gender discrimination in pay, but, given the hon. Gentleman's question, it very much sounds to me as though he is a gender pay discrimination denier. It is certainly not the case that men as a whole are paid less than women, even though the hon. Gentleman might dredge up a few examples.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Leader of the House believe that it may be necessary to amend our sitting hours in view of the impact on this House of some of the proposals in the Kelly report?

Ms Harman: We certainly want to make absolutely sure in future that, whatever changes are made by the Independent Parliamentary Standards Authority following on from the Kelly report, neither men nor women MPs will find it difficult to get home very late at night, so arrangements will have to be made one way or another to ensure that men and women can get on with their work in the House.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): May I welcome the fact that the Leader of the House has said that she will find time for a debate on Afghanistan, and reinforce its importance? She should ensure that it is a full day's debate in the middle of the week so that we secure maximum participation by Members who want to raise constituents' questions. In that debate, will she ensure that Ministers understand and are reminded of why we ended up in Afghanistan in the first place? They should not forget the history of what happened in that country and should perhaps apologise to the people of Afghanistan for when we took our eye off the ball, which damaged the achievement of our goals and the aims that took us there in the first place.

Ms Harman: It will be important to have a debate about the objectives of our mission in Afghanistan and how we achieve them, but I think that the central point—it is made by the Prime Minister when he answers questions about this at Prime Minister's questions—is that the mission is not only important for the people in Afghanistan, but for the security of people in this country. Two thirds of all the terror plots in this country have links with the Afghanistan-Pakistan border region. It is a question of this country's security.

Mr. Bone: On a point of order, Mr. Speaker.

Mr. John Gummer (Suffolk, Coastal) (Con): On a point of order, Mr. Speaker.

Mr. Speaker: I am grateful to hon. Members for their enthusiasm to raise points of order, which, as they will know, come after statements. I myself have a short statement to make before we proceed to the main business.

Speaker's Statement

12.6 pm

Mr. Speaker: The House will recall the exchange during questions to the Prime Minister yesterday about serving members of the armed forces and their opportunities to see our proceedings.

I am glad to say now that we will ensure that up to six visiting serving members of the armed forces will always be found places in the Galleries, whatever the other pressures may be—for example, when we have Prime Minister's questions and other high-profile proceedings. Should there be more than six who cannot immediately be accommodated, we shall arrange a brief tour or seats in the Lords Gallery until space is available here.

We owe a huge debt to those who serve in our armed forces. They will always be welcome in this place, and I am sure that the House will welcome this reflection of the respect that we have for them.

Points of Order

12.7 pm

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker.

Mr. Speaker: Ah, the points of order are still here.

Mr. Bone: Thank you, Mr. Speaker.

During business questions, there appeared to be a planted question to which the Leader of the House made a mini-statement about the communications allowance. Many Back Benchers would have liked to question the Leader of the House about that. Have you, Mr. Speaker, been given any indication that a proper oral statement will be made?

Mr. Speaker: May I say to the hon. Gentleman that I have had no such indication, and it is, of course, a matter for the Chair to determine the orderly conduct of business. I am sure that the hon. Gentleman will rest content with that situation.

Mr. Mark Harper (Forest of Dean) (Con): On a point of order, Mr. Speaker. The House will know of the importance you attach to answering written questions. The Government have issued new guidance to Ministers that the reply saying that it has not been possible to answer a written question ahead of Prorogation should be used only for those questions tabled in the two weeks before Prorogation. As of last Thursday, more than 1,500 written questions still awaited an answer. What advice can you give the House to ensure that those questions are indeed answered before Prorogation and that the form of words I mentioned is not used as a means of avoiding ministerial accountability?

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. The short answer to his question is twofold. First, guidance is a matter for Ministers and it is not for me to interfere with that. Secondly, it is of the essence that there are timely and substantive answers to right hon. and hon. Members' written parliamentary questions. In that context, the House will be aware—I have previously announced it—that a procedure is to be established for tracking the answering of written questions, and the transparency that that will bring should act as an incentive for Ministers speedily and comprehensively to answer questions. I am confident that that incentive will be effective, but if it is not, I expect the hon. Member and others will soon raise further points of order, when I shall have to reiterate the importance I attach to making progress on this matter.

Mr. John Gummer (Suffolk, Coastal) (Con): On a point of order, Mr. Speaker. We very much appreciate the way in which you have sought to ensure that questions are answered promptly. We, as Members of Parliament, are increasingly under pressure in regard to individual cases dealt with by the Home Office involving people who urgently need an answer, often when items have been very severely delayed, lost in either the post or the Home Office. As we are approaching some gaps during which Parliament will not be sitting, would it be possible for the House to invent a better system for enabling people to receive immediate responses? These are individuals who may be in serious individual difficulties, and we as Members of Parliament ought to represent them more effectively.

Mr. Speaker: What I would say to the right hon. Gentleman, whose thoughtful point of order I appreciate, is that it would be very difficult and, arguably, constitutionally hazardous to seek to specify a procedure for one Department that differs from the procedure that would be expected to apply to others.

The key point here is that answers are needed, they are needed in a timely fashion, and they are needed in a comprehensive form. It is, frankly, for Ministers to recognise both the salience and the urgency of the questions, not least when individual cases are being put to them, and they must then respond in an effective fashion. If that requires the devotion of additional human or other resources to achieve the objective, those resources must be provided, because the House must come first.

Mr. Nigel Dodds (Belfast, North) (DUP): Further to the point of order from the hon. Member for Wellingborough (Mr. Bone), Mr. Speaker. May I prevail on your good offices to ensure that all right hon. and hon. Members receive, as a matter of urgency, clarification of where matters stand post-Kelly in relation to all the allowances and so on? It appears to many Members that they must trawl through myriad different pieces of information—statements and so forth—to establish the current position, and it is vital that it be clarified for all Members.

Mr. Speaker: I think that the Leader of the House has herself been clear about the need for maximum clarity. I can only say to the hon. Gentleman, and to the House, that there are also responsibilities for Departments in the House to communicate to Members what the current and the expected future position shall be. It is difficult for me to give the hon. Gentleman a more comprehensive explanation than the one that I have just offered, but he has put on the record a serious point and a legitimate concern, and the Leader of the House is in her place and has heard it.

Mr. Philip Hollobone (Kettering) (Con): On a point of order, Mr. Speaker, in regard to your very welcome statement about tickets for service men to attend Prime Minister's Question Time. Has consideration been given to allowing servicemen to sit in the largely unused upper viewing Galleries for Members?

Mr. Speaker: The short answer is that consideration has not been given, but the hon. Gentleman prompts such consideration, and I am grateful to him for putting his views on the record.

If there are no further points of order, we shall proceed to the main business.

Climate Change

[Relevant documents: Sixth Report from the Environmental Audit Committee, Session 2007-08, Reaching an international agreement on climate change, HC 355, and the Government response, HC 1055; Fourth Report from the Committee, Session 2008-09, Reducing CO2 and other emissions from shipping, HC 528, and the Government response, HC 1015; and Fifth Report from the Committee, Session 2008-09, Reducing greenhouse gas emissions from deforestation, HC 30, and the Government response, HC 1063. The Road to Copenhagen: The UK Government's case for an ambitious international agreement on climate change, Cm 7659. The UK Low Carbon Transition Plan: National Strategy for Climate Change, laid on 15 July 2009. Adapting to climate change: UK climate projections June 2009. Letter from the Secretary of State for Foreign and Commonwealth Affairs dated 16 October 2009 to the Chairman of the Foreign Affairs Committee enclosing a map showing the implications for the world of four degrees of warming.]

12.13 pm

The Secretary of State for Energy and Climate Change (Edward Miliband): I beg to move,

That this House has considered the matter of climate change: preparation for the Copenhagen climate change conference.

As Members will know, the United Nations Copenhagen climate change conference will open in a month's time. At this critical time, the Government believe that it is important for the House to have a chance to discuss our preparations for the conference. In the time available to me, I want to explain why we believe that we need an agreement at Copenhagen, the sort of agreement that we wish to try to secure there, and the steps that we are taking in that respect.

Let me start by addressing the question of why we need an agreement. In the last year, I have had the privilege of meeting people in places from the northern desert of China to the Amazon rain forest in Brazil. I think that in such places we see the reality of climate change, in the sense that we are utterly interdependent. Actions in one country will affect those in another, and it is often the poorest and most vulnerable in our world, who have done the least to cause the problem of climate change, who face the greatest additional vulnerability. None of us, however, can insulate ourselves from the effects of climate change.

The urgency of climate change and, indeed, Copenhagen lies in the science. Atmospheric concentrations are at their highest level for at least 650,000 years. In the United Kingdom, nine of the 10 warmest years on record occurred during the last 15. In 2007, for the first time in recorded history, the north-west passage of the Arctic was ice-free and open to shipping in the summer. All those facts are important, and remaking the case for the science seems to me to be important as well.

We hear siren voices saying that the science is not real and that it is utterly contested and divided, and coming up with a whole range of explanations. I think that all of us in the House have a responsibility in that regard. I am not a scientist, but I am advised by a range of scientists—many of whom do not work for me, but work for organisations from the Royal Society to the Hadley Centre and a range of other institutions—and I think that remaking that case is very important.

Several hon. Members *rose—*

Edward Miliband: What a range of choices! I give way first to my hon. Friend the Member for Morley and Rothwell (Colin Challen).

Colin Challen (Morley and Rothwell) (Lab): I am grateful to my right hon. Friend, not least for making that last point. Just lately, a number of those siren voices have been saying that there has been a little bit of cooling in recent years. Does my right hon. Friend agree that that is entirely explicable within the models and the overall trend of global warming?

Edward Miliband: My hon. Friend is right. This may be the point at which the fact that I am not a scientist will come out, but I believe I am right in saying that 1998 was a particularly warm year. That was because of the El Niño effect, and that is why I have made the point that if we look at a longer period, we are struck by the fact that nine of the 10 warmest years on record have occurred during the last 15.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the right hon. Gentleman agree that even if we were wrong about human intervention in climate change, the measures that we need to take would have to be taken if we are to live in this world in a sustainable way, given the increase in population and the increase in the expectations and choices that that population has?

Edward Miliband: I do agree with the right hon. Gentleman. He has made an important point. Let me make another, related point. On the basis of my conversations with scientists, I believe that they are as certain about this as scientists are certain about anything. Even if they were not utterly certain about it, however, would we really want to bet our future on the very slim possibility that they might be wrong?

This is the best analogy that I can think of. If I were told that my children could go on an aeroplane flight in 20 years' time and there was a 90 per cent. chance that the aeroplane would crash, I would never send them on the aeroplane flight. In this instance, when it is being said that the probability is 95 per cent. or more, I ask: do we really want to bet our future on the very slim possibility that the scientists might be wrong, which I do not believe they are?

Mr. Graham Stuart (Beverley and Holderness) (Con): I congratulate the Secretary of State on his argument. I remember that, when his brother was responsible for these matters, I felt that the introduction to the Bill that became the Climate Change Act 2008 rather overstated the case. We would do better to talk about risk if we are to carry people with us, given that many of them are rightly sceptical. We should not create artificial divides between deniers and alarmists. There is a risk, and only people with peculiar and unfounded levels of certainty can be sure one way or another. That is why we must think in terms of responsible actions in the future.

Edward Miliband: The hon. Gentleman is absolutely right. I will, of course, brook no criticism of my brother. He does own up to getting a D in A-level physics, but I do not think that that explains the particular point that the hon. Gentleman has made. However, I know that he agrees with me on the question of risk.

Mr. Mike Weir (Angus) (SNP): I agree entirely with what the Secretary of State says about the science, but is not one of the difficulties that the science tells us that we must take strong action? Politicians also say that we must take strong action, but in the lead-up to Copenhagen, there seems to be a drift away from that strong action. There is a certain cynicism among the public because we say that strong action is needed, but are apparently unwilling to take it.

Edward Miliband: The hon. Gentleman is right in saying that the politics is behind the science. There has been some catching up in various countries in the past year, but his fundamental point that the politics is behind the science is correct.

Barry Gardiner (Brent, North) (Lab): I am glad that my right hon. Friend has nailed the scientific element at the beginning. Does he agree that if the science showed that climate change is not man-made, the problem would be that much more urgent, and our action to remedy it would be that much more urgent, because we would not know what was causing the increases in the carbon dioxide emissions that are causing temperature fluctuation?

Edward Miliband: My hon. Friend knows much about such matters, and makes an important point.

There is a strong scientific and environmental argument. The truth is that we must act. The 4° map that we have attached to the documents for this debate illustrates some of the impact of dangerous climate change that will arise if we do not act, including melting of glaciers, rises in sea levels, and increasing drought, and that applies not just abroad. There is another issue that we must nail in this debate because I was struck by research showing that only 18 per cent. of people in the UK thought that their children would be affected by climate change. That suggests a responsibility to do a better job of getting across the potential impact.

Mr. Peter Ainsworth (East Surrey) (Con): The Secretary of State is making an exemplary speech, but is it not the case that more than 18 per cent. of children believe that their future may be affected, and are not children one of our best weapons to persuade grown-ups to get off their backsides and do something about it?

Edward Miliband: The hon. Gentleman makes an important and characteristically smart point. Children really understand the issue. I believe that 50 per cent. of parents pay attention to their children when it comes to climate change, but that only 2 per cent. pay attention to politicians. That is perhaps slightly depressing. *[Interruption.]* I do not agree with the right hon. Member for Hitchin and Harpenden (Mr. Lilley) who said from a sedentary position that it is indoctrination. I think it is about information.

Mr. Philip Hollobone (Kettering) (Con): Kettering was chosen to be the UK representative in the international consultation on climate change issues ahead of Copenhagen. People were asked:

"To what extent were you familiar with climate change and its consequences"

before taking part in the consultation? In reply, 58 per cent. of those from Kettering said that they knew some, 19 per cent. said that they knew little, and 19 per cent. said that they knew a lot.

Edward Miliband: Having succeeded in getting Kettering's role into our discussions twice in the past two hours, the hon. Gentleman deserves local coverage. He speaks proudly for Kettering's role in climate change, and its people may be better informed than the general population, but the answers depend slightly on how questions are asked.

Simon Hughes (North Southwark and Bermondsey) (LD): Does the Secretary of State agree that there is other clear evidence to support the case for following the precautionary principle? Last year, 20 million people around the world were displaced by climate-related disasters, and that figure is predicted to rise to 150 million over the next 40 years. The actions that resulted in them losing their homes and their livelihoods were real, and if that is not evidence that something is happening to our climate, no one will be believed.

Edward Miliband: The hon. Gentleman makes a very important point about the dangers both for those people and, frankly, for people in countries to which they may be displaced. That point is absolutely right.

Let me move on briefly to make the other half of the argument, which partly relates to a point made earlier by the right hon. Member for Suffolk, Coastal (Mr. Gummer): there is an environmental argument, but there is also the positive argument. If anything, politicians in such debates—this is not a party political point at all—have not done enough to make the positive case for making the transition to low carbon: the case for future jobs and where they come from, for energy security, which is particularly important for Britain, and for quality of life.

All those issues are very important, and an example of what this means in concrete terms is that there is a question for Europe about whether it moves from 20 per cent. reductions in 2020, compared with 1990, as part of the Copenhagen agreement—that is our unilateral commitment—to 30 per cent. reductions. Some people will no doubt say that we cannot afford the cost and that it is very difficult to do that. I hope that we can get an agreement that is ambitious enough, so that Europe can move to the 30 per cent. target, partly for climate change and environmental reasons, but also for economic reasons. If we want a more robust carbon price—I believe that we all do, to achieve the low-carbon investment that we need and to give businesses the confidence to invest—frankly, the single best thing that we can do is to get an ambitious agreement at Copenhagen, including an ambitious move by Europe.

By the way, our data suggest—in no way do I celebrate this, obviously—that the recession has made it easier for Europe to go to 30 per cent., precisely because of the impacts on emissions in 2020, as a result. So it is important to make the environmental argument, but it is also important to make the economic and other arguments.

Joan Walley (Stoke-on-Trent, North) (Lab): My right hon. Friend's attendance at Copenhagen is important, but on the economic agenda and the way in which we need to get through the recession at the moment, will he give the House an undertaking that he will work with the Regional Ministers, including the Minister for the West Midlands, so that areas such as Stoke-on-Trent can take advantage of the new environmental technologies that need to be developed? Innovation is needed if we are to meet our Copenhagen targets.

Edward Miliband: Definitely, and my hon. Friend makes a very important point. Her championing of the work done in Stoke-on-Trent is extremely important, because, in terms of the economic agenda, there is huge potential in different parts of the country.

John Hemming (Birmingham, Yardley) (LD): On the other arguments for sustainability, is the Secretary of State aware of the recent research done by the UK Energy Research Council that identified that it is quite likely that global oil production will peak in the next 10 years, if it already has not peaked?

Edward Miliband: Yes, there are different views on peak oil. I do not want to embarrass the right hon. Member for Suffolk, Coastal by quoting him again, but whether or not people say that will happen on a certain date, we must make the low-carbon transition. I find that the peak oilers get very exercised about this question, for reasons that I understand, but whether we care about climate change or peak oil, the basic message is in a sense, "Let's diversify; let's move to low carbon."

Let me move to the second part of my remarks. What kind of agreement are we looking for? It is important to say, as I did during questions earlier, that the UN negotiations are moving too slowly and not going well, as anyone reading the newspapers or seeing walk-outs and so on will know. That is partly because there is a history of mistrust in the negotiations between developed and developing countries, as hon. Members on both sides of the House will know, and partly because people are stuck in entrenched positions, and it is very hard to get out of them. In a sense, that feels intrinsic to those negotiations.

The paradox is that if we look around the world at what has happened in the past year—this is not to try to put on rose-tinted spectacles—we see that lots of things have changed and happened that should give us cause for hope. The new American Administration have got a cap-and-trade Bill through Congress if not through the Senate, and I will come to that later. The new Japanese Government have found much greater ambition in their emissions reductions. For the first time, a Chinese President went to the UN—again, this has been underestimated in the debate—and announced a change in his domestic policy by saying that China would make substantial cuts in its carbon intensity by 2020.

As I said to the Chinese Minister on Saturday, we now await the numbers underlying that announcement. India has also been moving on this. Therefore, there is cause for hope, and I do not think we should be too negative.

Mr. Graham Stuart: Does the Secretary of State agree that one of the biggest blocks to progress at Copenhagen is the fact that the developed countries—the annexe 1 countries—have not met their promises? I know that we will do so, but other annexe 1 countries have not, and that does not give space to Governments of countries such as China that represent hundreds of millions of people who live on less than $1.50 a day. Such countries are already doing quite a lot, but how can they have the political space to take action when the rich, annexe 1 countries fail to do what they formally promised to do?

Edward Miliband: The hon. Gentleman is absolutely right. Whatever agreement is struck at Copenhagen, one issue for the future will be compliance and what we do in cases of non-compliance. There are not, in truth, easy answers to that.

That point leads me on to address the core of the deal that we are looking for, about which I think hon. Members on both sides of the House agree. Ambition is important. We must get on a 2° trajectory. Lord Stern has come up with rather interesting numbers on this, which suggest that the world is currently emitting about 50 gigatonnes, and we should be seeking to get on a pathway leading to about 18 gigatonnes by 2050. To get on that pathway, we need to be at 44 gigatonnes by 2020. That is a good benchmark for thinking about the agreement we are seeking, although we will have to see whether we will get all the way to 44 gigatonnes. Lord Stern says—this is why there is a little cause for optimism—that the pledges already on the table take us down to 48 gigatonnes. That reduction might not sound like very much, but it should be noted that we would expect the numbers to rise to between 55 and 60 gigatonnes if people were carrying on with business as usual. We need to go further, however—we need to have the ambition to do so. That will have to come from actions by countries, finance for developing countries, and succeeding in areas such as reducing deforestation.

Jo Swinson (East Dunbartonshire) (LD): I am listening with great interest, and I am enjoying the Secretary of State's speech. In terms of these negotiations and the need to deal with the entrenched positions and get positive movement, it is vital that world leaders attend as well as people like himself—*[Interruption.]* That comment came out wrong.

I am therefore very pleased that the Prime Minister has said he will go to Copenhagen and take a lead for the UK. However, what might the country be able to do diplomatically to encourage other countries also to send their Heads of State—their Presidents and Prime Ministers—as well as their Environment Ministers, because when there are such entrenched positions, that is sometimes what is required to get solutions?

Mr. Speaker: Order. May I just gently say to the House that I know there is a lot of interest in speaking in this debate, and we wish to facilitate the full and free flow of debate, but I hope that interventions will become shorter as we proceed, not longer?

Edward Miliband: I assure the hon. Member for East Dunbartonshire (Jo Swinson) that I took her remarks in the spirit in which they were intended. It is, indeed, important that world leaders are at Copenhagen. She made the important point that we will need such leaders in order to seal the deal, and I have repeatedly made that point to our counterparts in the United States and elsewhere. As someone who is helping to negotiate on some of these issues, I was very struck that before the leaders summit in L'Aquila in July we were making very little progress on the question of whether the major economies would sign up to the 2° target for an outcome at Copenhagen, but the intervention of leaders made it happen. That is illustrative of the role leaders can, and must, play.

Simon Hughes: There is no doubt that world leaders are taking an interest and Governments are taking a much greater interest. Does the Secretary of State accept that given the current state of negotiations, which he will know more about than me, there is a risk that the best we will get is a framework deal, not a deal with commitments? Does he also agree that it is better to

[Simon Hughes]

have a framework deal, and speedy recall and serious commitments, than a weak deal? Also, will the UK still contemplate being bolder than the EU was a couple of weeks ago in trying to trigger further progress?

Edward Miliband: That is an important point, and I promise the hon. Gentleman that I will come to it.

We need to be ambitious, and we also need to be fair in the agreement we reach, which is why finance is so important. It is worth making the point that we are asking developing countries to do not as we did, but as we say we want them to do—that is, to grow in a low-carbon way. Let me give one example: 450 million people in India are not connected to the electricity grid and we are asking the country to leapfrog over the high-carbon way of getting electricity to people and to move to a low-carbon way of doing that. I was encouraged when I was in India. It has very ambitious plans for 20 million people to get solar power and lighting, but 20 million is a long way short of 450 million. Therefore, when people ask what finance in Copenhagen is about, this is my answer: it is in part about enabling countries such as India to move further and faster, to the benefit of the world, as it will not drive up its emissions as it would if it went down the high-carbon route; and it is also, crucially, about adaptation for some of the poorest countries in the world. I know that many hon. Members feel strongly about that.

In this context, the EU offer is very important. The offer is €100 billion in public and private finance by 2020, a global public finance offer of between €22 billion and €50 billion—that is a range, but it is a range that we will take into the negotiations—and global fast-start finance. The big task—let me be completely candid—is to try to get other countries to sign up to this. Europe has taken a lead, but we now need the United States and other countries to move on finance as well. That is not straightforward, but it is crucial.

Let me mention in passing the issue of additionality, because it is very important. Oxfam has done very good research showing the costs if, for instance, $50 billion a year was diverted from aid budgets. That is why we have said we will use no more than 10 per cent. of the existing aid budget in order to make our climate finance contribution. We have further to go to secure such additionality commitments from other countries.

Mr. Nigel Dodds (Belfast, North) (DUP): Is it possible to justify taking 10 per cent. out of the aid budget? Why should part of the financing come out of the aid budget? Is that not an entirely separate issue?

Edward Miliband: We want to limit the amount of money that is spent from the aid budget, but about 10 per cent. of the aid budget is already spent on climate-related activities, because the truth is that in certain cases we cannot separate out climate change-induced issues from issues of poverty, as the two are inextricably linked. That concludes my second point, which was on fairness and finance.

My third point is on the comprehensive nature of the agreement. Many hon. Members have campaigned on forestry and deforestation, and we must make progress on that. As far as I can tell, this is one of the areas where the United Nations negotiations have been going slightly better, such as in respect of the issue of reducing emissions from deforestation and RED-plus.

Joan Walley: Deforestation is critical in getting an overall agreement. I was therefore disturbed to read reports in the media a couple of weeks ago that the European negotiating position would be not to support the removal of palm oil in plantations. I understand that is not the case. I would be grateful if my right hon. Friend would put the record straight, so that we know what position Europe is taking in the negotiations on forests.

Edward Miliband: I am glad my hon. Friend makes that point, because it gives me the chance to make it clear that *The Independent* is not always right in its reporting. It is not the case that we want to do what has been said in respect of the EU. We completely understand her point and the issue of necessary protection.

The agreement needs to be comprehensive. That leads me on to the point made by the hon. Member for North Southwark and Bermondsey (Simon Hughes) about the kind of agreement we get. The Danes, who are the hosts of the meeting, have said in the past couple of weeks that, given the pace of the UN negotiations, they think achieving a full legal treaty is unlikely. It has to be said that we would have preferred a full legal treaty.

The important thing about the agreement we seek in December is that although it may be a political agreement, it must lead, on a very clear timetable, to a legally binding treaty. In other words, in December, we must set the terms of the movement to such a treaty, because that is very important. I must make it clear that, in addition, an agreement without numbers would not be a great agreement—it would be a wholly inadequate agreement. Even though the agreement may be a political agreement, it must be as comprehensive as possible and it must contain numbers, because that is what we are talking about. It is all very well getting the architecture right—there are big issues involved in the architecture of an agreement—but the numbers are what really matter.

We must also have reduction commitments from developed countries and actions from developing countries that translate into reduced quantities of emissions—not cuts in emissions from major developing countries before 2020, but real actions that contribute to the kind of peaking of global emissions that is a central task of the agreement. Then—this is where the architecture matters—we need to find a way of transparently recording those commitments from developed countries and actions from developing countries, and have people standing behind them. It is important to say that we have made some progress on the question of developing countries needing to put actions on the table that can be quantified and that they will stand behind.

Mr. Elliot Morley (Scunthorpe) (Lab): The Secretary of State is getting very much to the heart of the matter. I wish to raise the issue of numbers with him, because he will know that one of the weaknesses of the Kyoto agreement was that the figures were the result of horse-trading; they were not really the result of any kind of scientific assessment. We must not make the same mistake in Copenhagen.

Edward Miliband: My right hon. Friend, who knows so much about these questions, is right. We need to agree numbers that are not only scientifically based, but realistic. In retrospect, it is clear that some countries

signed up to numbers at Kyoto—I do not know whether they knew that this would be the case at the time—that they have come nowhere close to achieving. The numbers need to be realistic and consistent with the science.

Let me say how we get to that agreement. I think that I have made it clear that the formal negotiations have their role, but will not, on their own, achieve success. That is why in June the Prime Minister made proposals on finance, and it is why it is right that the European Union has not treated this like a conventional negotiation—it has not kept its cards close to its chest until 3 am on the last evening and then revealed its finance numbers. We have got to push and we have to be persuaders, and sometimes unilateral action is important, because it drives people forward.

I also think that the EU's role in the coming weeks is to use our commitment to go to 30 per cent. as part of a global deal as a way of levering up greater commitments from others. May I briefly say something about the situation in the United States, which is very important? Hon. Members will know that it is, in a sense, key to this deal and the situation is not straightforward at all. I believe that it is still possible that the US will come forward with a clear number at Copenhagen, despite the fact that the Senate Bill may not be through. That is very important, because the risks of failure at Copenhagen and delay are significant; I do not think that this gets any easier the longer we leave it. Thus, I think—we have conversations about this with the United States—that it is important that the US, despite its domestic issues, comes to Copenhagen with a clear set of ambitions and is able to sign up to an agreement. We know that we need the US as part of an agreement and that the biggest flaw in the Kyoto agreement was that the US was not part of it. Just to be clear, we in Europe intend to use our commitments to drive others forward.

Mr. Parmjit Dhanda (Gloucester) (Lab): I entirely agree with my right hon. Friend, who is making the case extremely well as to why the United States, and all the major powers, have a big role to play. Will he argue the case in this Chamber today for the President of the United States to be in Copenhagen, because that is the strongest way of getting the message across and actually doing something about the problem?

Edward Miliband: I have made it clear that leaders do have a very important role to play. What President Obama does is obviously a matter for him, but we have made it clear that we think that leaders need to be part of a Copenhagen agreement if we are to secure the agreement we want.

Let me conclude by repeating that we need to keep our focus on a good deal, not just any deal. A deal without numbers would be a bad deal; a deal without developed country commitments would not be a good deal; and a deal without action from developing countries would not be a good deal. The central task of any agreement is to show that we can be on, at worst, the 2° pathway, and that we have a credible way of peaking global emissions. The world has never done that before throughout its industrial history and it is a very big prize.

I wish to end on a note of optimism. There are huge difficulties, because of the scale of the task that we face. As I have said in our discussions with other countries, every country faces its compelling constraints in this, be it the US, where the debate is behind that in other countries, or India, because of the number of its people who are in poverty and the fact that it needs to grow. The truth is that we will succeed in tackling this only if we understand each other's constraints and show ambition. If we can conclude a successful agreement in Copenhagen, I do not think that people will look back and say, "This was a mistake." I think that people will look back and say, "This was an historic moment. It was actually easier than people thought to make the kind of changes that we need to make." As the chief scientist in the US said to me, once we start to turn around this inexorable rise in emissions, people will say, "Actually, the quality of life can be better, our economy can be better and it was not so hard after all." The aim at Copenhagen is not only to avoid environmental disaster, but to build a better life for people here and around the world, and I hope that we can agree something that those in all parts of the House can support.

12.47 pm

Greg Clark (Tunbridge Wells) (Con): May I say how much the Conservatives welcome this important debate at this important time? We particularly welcome the tone that the Secretary of State has brought to his remarks today. We entirely concur with it and we appreciate the bipartisanship with which he has approached this issue.

It is just 31 days until the beginning of the talks in Copenhagen and it is vital that from this debate we send out a clear message that there is complete unity of purpose across the House, and between the agenda that the British Government are pursuing and this House, so that there can be no suggestion that that is in any way at risk in the negotiations. Indeed, there has long been agreement on both sides of the House that climate change poses a real and urgent risk, both to the UK and to the world.

Some 20 years ago this week, on 8 November 1989, Mrs. Thatcher addressed the UN General Assembly on the need to tackle climate change. She said:

> "The work ahead will be long and exacting. We should embark on it hopeful of success, not fearful of failure... We are not the lords, we are the Lord's creatures, the trustees of this planet, charged today with preserving life itself—preserving life with all its mystery and all its wonder. May we all be equal to that task."

I believe that her words will be as relevant in Copenhagen and during the weeks ahead as they were in New York 20 years ago.

Let us be under no illusion as to the historic significance of the Copenhagen conference. It may be as pivotal for the 21st century as the Bretton Woods summit was for the arrangements for the second half of the 20th century. Out of that historic gathering came a new internationally agreed order governing the way in which our economies interact with each other. It has, since the second world war, guided the way in which we interact globally and it has left us with institutions that have endured, such as the International Monetary Fund and the World Bank. The Copenhagen agreement must be no less ambitious in its scope, and I hope that it will be no less influential in all our futures in respect of seeing the global shift that we all desire towards a low-carbon economy over the next 40 years.

[Greg Clark]

That is why the Secretary of State was right to say that Copenhagen is so much more than just an environmental summit, important though that is. This is about our future national and international security. It is about the future of our national and international economic competitiveness. It is about securing a good future for our children and their children, and about our responsibilities to the poorest and most vulnerable people in the world.

My party leader pointed out in a speech last month that if the Himalayan glaciers melt, more than 750 million people will be without sufficient water. We cannot deny that that would have serious consequences for us all in terms of global conflict, mass movements of people and our own national security. I do not believe that anyone here wants to see our atmosphere polluted, our lands rendered uninhabitable, or vulnerable populations denied sufficient food and water. There is something deeply unsettling about the realisation that many of our everyday acts, which we have taken for granted over the years—how we heat and light our homes and how we travel to work—have actively contributed to this grave situation. I am reminded of something that Hayek wrote:

"We are ready to accept almost any explanation of the present crisis of our civilisation except one: that the present state of the world may be the result of genuine error on our own part, and that the pursuit of some of our most cherished ideals have apparently produced results utterly different from those which we expected."

Colin Challen: Most of us present today would agree with everything the hon. Gentleman has just said—perhaps up to the point when he mentioned Hayek—but can we get some focus here? Does he agree that the 100 billion euros or dollars of finance that should be achieved by 2020, which the Prime Minister has mooted and which the EU supports, is the right figure? Should it be more? How will that figure easily be delivered if we are living in a post-recessionary age of austerity?

Greg Clark: The hon. Gentleman sets out the challenge and I shall go on to address it in detail. It is very difficult to tell whether that figure is the right one, and perhaps during the winding-up speech the Minister will apprise us of its construction. I think that we are all agreed that it needs to be adequate to the task of helping countries that will be affected by the consequences of climate change to defend themselves and to adapt to that inevitability. The question of what that figure should be is pertinent. It is impossible for me to say from the Dispatch Box precisely what it should be—indeed, one of the objectives for Copenhagen is that it should be right.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): May I return the hon. Gentleman to the subject of error, as mentioned in his quotation from Hayek? Does it not worry him just a little that the international consensus that we need to establish, not just for Copenhagen but beyond, requires working with partners who understand and accept the reality of climate change? Has not his party, worryingly, put itself in a position in Europe where it is allied with climate changers—*[Interruption.]*—sorry, climate change deniers? Is there not a genuine problem with how he is going to get the co-operation needed to tackle those problems?

Greg Clark: I hope that the hon. Lady is not trying to sow dissent and concern where they do not exist. My party in this country and in its European alliances is completely committed to tackling climate change. In fact, we regard it as one of the essential competences of the EU. There is no difference there. Many of our allies have some of the best records in Europe. Greenpeace in the Netherlands cited our sister party there as one of the greenest parties in Europe. The hon. Lady should set her mind at rest on this point. We are committed to working closely and vigorously with our colleagues in Europe, as we have done in recent years. No one who has studied the debates on these matters in the European Parliament in recent years can have failed to notice the leadership that the British Conservative delegation there has given from our Front Bench.

Mr. Gummer: My hon. Friend knows that I take a clear view on Europe. Does he agree that part of the role of us all is to convince those who are as yet unconvinced, and that we will have additional opportunities to do that in these circumstances? The real fact of the matter is that climate change is too important for cheap party political points.

Greg Clark: My right hon. Friend always speaks with clarity, and he certainly did then. That is an important point. My experience is that the best way to persuade people who take a different view, when there is a minority, is to entice them through reason to one's point of view, rather than to seek to denounce and create dividing lines. The latter is the wrong approach, especially on this sort of issue. We should resist creating division in an area where we should be rallying people to a cause that we all support.

Mr. Peter Ainsworth: My hon. Friend might want to point out to the hon. Member for Regent's Park and Kensington, North (Ms Buck), who raised that rather silly and trite point, the difficulties that our colleagues in the European Parliament had in dealing with our former allies in the CDU who were intent on and assiduous in looking after their vested industrial interests in Germany.

Greg Clark: My hon. Friend is absolutely right. The exercise of persuasion needs to happen in all parties and all groups. I dare say that the allies of the Labour party might contain one or two people whose position could be strengthened.

Let me be clear: I see Copenhagen as a massive opportunity for Britain and I share the Secretary of State's optimism. The world is about to undergo a transformation in energy just as far-reaching as the revolution in IT over the past 20 years. A vast new global market is opening up in which Britain is extraordinarily well placed to prosper. The skills that are needed to lead the low-carbon revolution are skills that we have in abundance in such industries as marine engineering and the process industries. We have some of the best universities and research institutes in the world dedicated to those disciplines. We have on our east coast the North sea, which is literally and figuratively a sea of energy, abundant in wind, wave and tidal resources and with depleted gas wells and saline aquifers that are perfect for storing CO_2, all surrounded by enormous energy markets on two coasts, with some of the heaviest concentrations of industrial users anywhere in the world.

In the past 10 years in Britain, the only two major sectors to have increased net employment are financial services and the public sector. It is obvious to everyone in this House that we cannot go on like that. I believe that the low-carbon industries should be at the centre of a clear and deliberate British industrial policy in the years ahead. That is another reason why Britain needs a strong climate deal to be struck at Copenhagen. Like the Secretary of State, I am confident that a deal is possible.

It is usual, and probably prudent, in advance of major negotiations for people to be concerned and to worry about the prospects for an agreement. We certainly should not take one for granted, but I believe that recent signs have been positive. One by one, the major players are coming on board: the US Administration, Australia, Japan and even China, as the Secretary of State mentioned. China is arguably the pivotal nation in these talks, and when President Hu told the United Nations in September that China would agree to substantial cuts in emissions intensity and would ensure that 20 per cent. of its power came from renewables by 2020, I thought that that was a highly significant development and one that gives us cause for optimism.

That development happened not just because China has suddenly gone green, although I think it fair to point out that its experience of current climate change has instilled in it an awareness of the consequences of climate change. The Chinese Government clearly recognise the significant opportunities for their economy—like the opportunities for ours—in making it less dependent on fossil fuels and more energy efficient.

Mr. Graham Stuart: My hon. Friend is right to pay greater attention to the actions that have been taken by China, which does not often get fair publicity for what it does. Does he agree that, when the Government said in 2003 how important carbon capture and storage was, our country was perfectly positioned to lead the world? It is not shameful that a country such as China, which is still developing, is now ahead of Britain, whereas we are still dithering about demonstration projects?

Greg Clark: It is regrettable and it is an important issue of leadership that we should lead not just in negotiations, but by example—

Clive Efford (Eltham) (Lab): Now you are being partisan.

Greg Clark: The hon. Gentleman says from a sedentary position that this is a partisan point, but it is not. No one would be more delighted than I or more thrilled than the Conservative party if we were to establish leadership in CCS technology now. Communities with which I am familiar would benefit instantly from investment in it. It should be a matter of cross-party consensus that we should be in the vanguard of the technology, rather than lagging behind.

Edward Miliband: For his CCS policy, the hon. Gentleman has been relying on the auction revenues from the EU emissions trading scheme. Over the past six months I have been telling him that those revenues have already been accounted for in the Government accounts. We hope that the forthcoming energy Bill will include a proposal for a levy to fund CCS. Will he support that example of leadership?

Greg Clark: The Secretary of State says that the ETS revenues are accounted for, but he has not been able to point out in the Red Book what they are being spent on, or how much he has spent. He might want to give us the answer now: how much has been allocated? I should be happy to give way to him if he can tell us how much has been allocated and spent.

Answer came there none. We will of course look at the Bill when it is published. It would be foolish to endorse the levy uncritically and sight unseen. We will give our reaction to the proposal when the Secretary of State publishes the Bill. That is the time for us to do that, but if he would like to share the details in advance, we will give him an earlier assessment of whether it passes muster. It is in the interests of China, just as it is in our own, to move to a genuinely low-carbon economy.

As I said in Question Time, with so much at stake and yet so much still to be agreed on, it is easy to be pessimistic about our chances of reaching a successful deal. We must not seek a deal for a deal's sake—to be fair, the Secretary of State has shown himself to be cognisant of that risk and determined to avoid it. We agree that the worst kind of failure would be to trumpet a deal that was inadequate as in some way satisfying what is needed. However, even though that might be what we want now, we know that summits have a momentum. The pressures for an agreement—for the handshake that I mentioned earlier—will be intense. The Heads of State and of Government who fly in will not want to fly out again without achieving some sort of concordat. It is more important to get an agreement than it is to have a photograph at the end of the summit. I hope that the Secretary of State will be true to what he has said today and blow the whistle on any deal that is not adequate.

Mr. Nick Hurd (Ruislip-Northwood) (Con): I support the comments of my hon. Friend, but does he agree that the Secretary of State did not mention an extremely important constituency to which a real deal at Copenhagen is vital? I am talking about the business community, which has to take now the decisions on long-term infrastructure assets that are likely to determine whether we meet our interim targets. The members of that community see muddle where they want clarity and the framework for investment that Copenhagen must deliver.

Greg Clark: My hon. Friend is absolutely right. The investments that we need will come mostly from private investors and companies. They can make those investments only if they have a stable policy environment in which they can be confident. One cause of the delay in some investments is that public policy in this country and, to an extent, around the world has added to the risk, rather than reduced it. Copenhagen is an important way for us to take some of the risk away.

Any agreement that can be considered rigorous must pass a number of tests, including but not limited to the following list. First, an agreement has to be sufficiently rigorous to bind the world in a common commitment to keep the rise in global temperatures to below 2° C. That has to be explicit if any deal is to carry credibility. Secondly, the deal must establish a new international financial mechanism that will provide our brothers and sisters in the world's poorest countries with the means to protect themselves against future floods, famine and

[Greg Clark]

drought. To that end, we must use funds additional to and not instead of, the resources currently deployed to fight poverty. It would be bizarre if, having agreed to help alleviate the poverty of various countries, we were then to find that an additional problem came along and made us forget about that agreement. There needs to be a recognition that climate change is an additional challenge that requires additional help.

Dr. Alan Whitehead (Southampton, Test) (Lab): I agree with what the hon. Gentleman has said about additionality, but does he agree that additional money to make the Copenhagen agreement work should not be taken from existing UK aid budgets? Does he agree that the new money must be separate and clearly distinct, and that it should not put those aid budgets at risk?

Greg Clark: I am grateful to the hon. Gentleman for that point, and I agree with his analysis. If we regard climate change as a new and additional problem, we need new and additional resources to tackle it. In that regard, I do not understand fully how the figure of 10 per cent. has been arrived at. I know that the Secretary of State wants to be rigorous, but it seems a suspiciously round number. How can we know that 10 per cent. will be the proportion of the aid budget that is relevant for ever and a day? I would like a more rigorous basis for that number.

I believe that that must be part of the Copenhagen agreement. Unilateral commitments by individual countries will not lead to the necessary certainty of funding. Various mechanisms are already on the table at Copenhagen that might result in a flow of funds, and it is very important that we establish a deal in that regard. That will be one of the central tests of whether any agreement can stand up to the ambitions that we have for it.

Frank Dobson (Holborn and St. Pancras) (Lab): I understand the hon. Gentleman's point about 10 per cent., but what we really need is a commitment from all parties in this House that any help given to developing countries coping with climate change must be over and above the aid that goes to them for poverty relief.

Greg Clark: The right hon. Gentleman makes the exact point that I have made in my remarks.

The final essential element of any outcome at Copenhagen is an urgent agreement on deforestation. Some 15 million hectares of tropical rainforest are lost every year to deforestation. To put that into context, that is an area larger than England. We must secure a deal at Copenhagen to protect the global rainforests, without which it will be impossible to keep warming under a dangerous threshold.

From the beginning of his leadership, the leader of my party has made it clear that Britain must take a position of leadership on our global as well as our domestic environment. We have talked about that already in our exchanges, and it is nothing new. British Governments throughout the ages have seen it as Britain's role in the world to be a force for progressive change. In a remarkable speech this summer that I commend to all hon. Members, my right hon. Friend the shadow Foreign Secretary said:

"The citizens of Britain have always been restless in trying to improve the wider world and global in our outlook."

That must characterise our ambition in Copenhagen.

As we get close to Copenhagen, we know that significant outstanding issues remain. The Secretary of State alluded to the question whether the deal would trigger higher contributions from other EU member states. If the deal is to be genuinely global, it is essential that it triggers that pan-European 30 per cent. emissions reduction target and ensures that it is brought into effect. Moreover, we have talked about the temperature requirement, but it is also important that we encourage—as the Secretary of State has said he will—our European partners to rise to the challenge as we have and respect the scientific view of what is required.

When it comes to the flow of funds for adaptation, it is important that we understand that the numbers used in the agreement must be rigorous. I agree with the Secretary of State that those numbers must not be made up and used just because they sound round and can be easily communicated. The numbers used in the agreement must have some substance to them.

It is clear that much work remains to be done on important aspects of the problem before Copenhagen begins. With a little more than a month to go, it is right for people to be apprehensive about the task ahead. It is not in anyone's interest to be over-confident, but I began my speech by saying that a number of people are making a parallel with the Bretton Woods conference of 1944. On the eve of that conference, John Maynard Keynes, one of the architects of that historic agreement, said that it was

"better that our projects should begin in disillusion than...end in it".

I think that we start off from a stronger position than he did, in terms of our optimism about what might come out of the negotiations. I wish the Secretary of State much success in the weeks ahead.

Several hon. Members *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. May I remind right hon. and hon. Members that Mr. Speaker has imposed a 15-minute limit on Back-Bench contributions?

1.10 pm

Mr. Elliot Morley (Scunthorpe) (Lab): I welcome the debate and the tone and tenor of contributions from Members on both sides of the House. This is a crucial issue, and the conference in Copenhagen will probably be one of the most important international negotiations that has ever taken place. There are great implications for the future of our country and the international situation. I apologise to you, Madam Deputy Speaker, and to the Front-Bench spokesmen for the fact that I might not be able to be in the Chamber for the wind-ups, because I have an engagement in my constituency.

I wanted to speak in the debate because the conference is so important and its outcome will be vital to us all—and, indeed, to future generations. I welcome the lead that the Government have taken. The fact that the Prime Minister made it clear that he was willing to attend sent an important signal, because I agree that getting an outcome will probably require the involvement of the leaders of countries, given its importance. I agree that the progress that has been made so far has been the result of international leaders engaging through the UN.

I also welcome the fact that the EU has reached an agreement on funding for adaptation and for help for some of the world's poorest countries that are suffering the most. That must be part of the deal, and it gives a useful lead. It is important that other developed countries add their contributions to that to form part of the overall outcome.

I accept that the numbers are crucial. They must be based on the science. There must not be a a repeat of Kyoto when several countries chose figures because they were slightly higher than those of some of their rivals. Some countries did a better job of that, and the UK negotiations identified a more realistic number than Canada's, for example. However, although I accept what the Secretary of State says about being realistic, some annexe 1 countries have not made a lot of effort over the years, and that must change.

Mr. Graham Stuart: In an otherwise excellent speech, the Secretary of State did not say a great deal about compliance mechanisms, and did not include compliance in the list of key points at the end of his speech. Does the right hon. Member for Scunthorpe (Mr. Morley) agree that without compliance to ensure that people face a sanction if they fail to keep their promises, even if we end up with an agreement that we can celebrate, because it looks strong, that agreement might not lead to the actions that people promise?

Mr. Morley: I agree with the hon. Gentleman. There will clearly be an issue regarding compliance. There must be a binding international agreement. I do not underestimate how difficult it will be to apply and enforce compliance measures, but I do not dispute that there must be such a mechanism.

Developing countries, especially the major emerging economies, must show some commitment. That commitment might be different from that which we would accept, as an annexe 1 country, but nevertheless they must demonstrate that they are willing to make a major contribution towards reducing emissions.

I agree with what has been said about China. The hon. Member for Beverley and Holderness (Mr. Stuart) has joined me in many meetings with Chinese representatives, as have my hon. Friends the Members for Brent, North (Barry Gardiner) and for Morley and Rothwell (Colin Challen). Countries such as China have made an enormous move, and engagement among legislators has been important. There have also been signs of movement from the United States, although not as great as I would like, and smaller signs of movement from India—again, not as great as I would like. It is important to get legislators on side, especially US legislators, because any agreement will have to go through Congress and be ratified. Unless we have the support of legislators, we will find ourselves back in the position at the time of Kyoto when the US was willing to sign up to the agreement, but there was no chance of it getting through Congress.

Mr. Gummer: Does the right hon. Gentleman agree that before we can expect developing countries to make the major promises that they need to make, they must have confidence that we have accepted responsibility for causing the problem and profiting from the pollution that we are now suffering?

Mr. Morley: I absolutely accept that point. To be fair to the UK, we have always been clear that we went through a dirty phase of industrialisation and gained the economic benefits of that. We cannot deny the benefits of economic growth to others when that forms part of their policies of poverty alleviation. However, other countries do not necessarily have to go down the path of dirty industrialisation. They could go straight to cleaner technologies, and we can play a role in developing and transferring such technology to other countries.

I want to focus on the benefits of a low-carbon economy. Two themes come out of discussions with legislators from other countries, especially countries such as America: First, they say that unless there is action from emerging economies, there will be unfair economic competition that will undermine their economies; and, secondly, they talk about the cost that will fall on their individual countries due to moving to a low-carbon economy. However, we always make the point in those discussions that there is no cost-free option, because there will be costs arising from not moving to a low-carbon economy. In addition, they must consider the important factors of security of energy supply and economic sustainability, which can bring benefits in themselves, as well as the absolutely overwhelming environmental arguments.

Our country could benefit greatly from moving to a low-carbon economy. My region could receive those benefits. The steel plate for wind farm towers is already made in Scunthorpe, and a local company in my constituency maintains and overhauls gearboxes for land-based and offshore wind turbines. The Humber area could be a centre for the low-carbon economy by supporting the growing offshore wind sector, including from the ports of Hull, Grimsby and Immingham. South Yorkshire can offer engineering and design, and we have steel facilities, science and universities, and expertise in the area, including from the oil and gas industry. We also have expertise on carbon capture and storage, and I am really pleased that the EU has committed money to a carbon capture power station at Hatfield, which could form just one part of a big centre for the low-carbon economy involving many thousands of jobs in the Humber. Such a thing could happen in other parts of the country.

Following the Prime Minister's statement on the European Council, I pointed out in my question to him that if we are to encourage developing countries, in particular, to take the required steps, they will need to see the benefits that they could get from a low-carbon economy. We need to offer encouragement, and the European Union, as a major trading bloc, is in a good position to do that. For example, we could argue for a tariff-free, low-carbon trading zone, whereby products that would benefit energy efficiency or low-carbon energy could enter a country on a tariff-free basis. That would benefit manufacturing in the UK, which is important, and encourage international trade. We already have the important developing carbon market, which brings benefits, and we need measures in the European Union, such as a zero or reduced VAT rate for insulating or low-carbon

[Mr. Morley]

materials, to provide such encouragement. Other possible measures have recently been discussed, such as a scrappage scheme for boilers, which would generate jobs and trade.

A great deal can be done, and the European Union is in an excellent position to bring that about. It is also a way of engaging legislators in how they might see the benefits for their own areas. I met some senators from Texas, which, without being unfair, is not the most progressive part of America in the low-carbon economy. However, although they were not hugely enthusiastic about the environmental arguments, they certainly saw the economic arguments and the benefits for their local economy and for people from carbon capture and storage, solar power and smart grids. Indeed, smart grid development in Texas is very advanced. We need to emphasise those points when we hear negative responses from some countries.

I should like to flag up some issues that, although important, may get lost in the negotiations, given the main focus of the talks. They include deforestation, which has already been mentioned. There has been some welcome progress on tackling deforestation, but what I have heard and read concerns me. We need to get the details right of how we deal with deforestation through the reduced emissions from deforestation—or RED-process; we need the money to go to forest management and restoration; and the most important people to get onside, those who live in and rely on forests, need to receive some share of the investment. Any deal that puts a lot of money into the hands of Governments and never reaches forestry management or local communities could do more harm than good. I ask my right hon. and hon. Friends to be aware of that, because a deal is important, but a deal at any price could make things worse rather than better.

The forests issue is linked to ecosystem protection. My hon. Friend the Member for Brent, North has been very active on the latter, but it could also get lost in the argument. Internationally, the role of forests and deforestation has been recognised, but wetlands, peat bogs and mangrove swamps also have roles—and not only in mitigation. Some of the effects of rising sea levels, storms and typhoons have been made worse by the removal of mangroves, taking away not only potential mitigation for poor communities, but nurseries for fish, which are very important for commercial fisheries. The ecosystem issue is part of the consideration of how we manage our environment to mitigate the effects of carbon, and it has not had the attention that it deserves. The work that has been done in valuating forests has also been done for ecosystems, but we should not separate the two. They have to be seen together, and that will be one of the challenges for my right hon. Friends.

My final point is perhaps the most difficult one. Population is an issue, but it is not for us to lecture other countries. This is about improving the economics of developing countries and improving access to education, for women in particular. We have a role to play through our aid programmes, and I agree that the additional funding for adaptation must not be removed from the Overseas Development Administration budget, because we have a role to play in that, too. Part of that role is to recognise that it is in no one's interest for the population to rise from 6 billion to 9 billion. That may not happen, but we should take into account the effects of population increase, because it has many negative effects, not least on the environment, on emissions and on sustainability.

My right hon. Friend the Secretary of State for Energy and Climate Change has said and done the right things. The negotiations will be very difficult, but for all of us the long-term consequences of failure are almost unthinkable, and I wish him all the best.

1.24 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I shall start where the right hon. Member for Scunthorpe (Mr. Morley) finished and express our thanks to the Secretary of State. I wish him all the best, and I wish to strengthen his resolve. Indeed, I hope that today encourages him, the Prime Minister and the Government, because those in power today have a responsibility that may not fall to the next Government, and now is the time to make progress.

All of us recognise that throughout the world there has been a significant movement towards a desire to do business at the conference, which starts a month on Monday. For example, China and India have agreed to put on one side disputes about their border so as to try to reach a common view, and that is fantastic progress. The right hon. Member for Scunthorpe speaks with great authority and experience and can testify to the fact that even states such as Texas, where there is an historical reluctance to act and a conservative position, for reasons that we know, have none the less made some movement on the issue.

Looking throughout the world, I note that significant players such as the Japanese, as well as the Chinese and Indians, and the Americans, whose signature was absent from the Kyoto treaty, are all coming to the table with more commitment. However, we are a long way from reaching a deal, and I shall return to what my party and our sister parties in Liberal International and throughout Europe have sought to say. It is a great privilege for our group of politicians that the host in Copenhagen is a Prime Minister who comes from the liberal democratic tradition, and he and his colleagues in other European countries have a pivotal role to play. I wish him all the best; he knows the significance of the meeting that he will host in Denmark in a month's time.

Unlike Mr. Speaker and other colleagues, I was unable to attend the Chamber last Friday when the Youth Parliament held its first meeting here—something that I supported and argued for. Earlier last week, however, I met for the third time representatives of the UK Youth Climate Coalition. I know that *Hansard* does not record objects, but I have one here with the slogan that the coalition uses all the time, and it is the question asked of all of us:

"How old will you be in 2050?"

It does so because one emissions-reduction target date that European leaders agreed was 2050. In answer to that question, I will be just short of a three-figure number, if I am given the opportunity to be around at all. I respectfully point out that there are others in this Chamber who, if they are still going, will be the other side of that three-figure number. The coalition's point is obvious: targets for 2050, 2030 and 2020 are fine and

important, but our real job is to agree something now, because only now can we begin to see those climate changes. That is why we have been so keen to ensure that the country signs up to ambitions such as the 10:10 campaign. Doing things now is important.

The Minister of State, the hon. Member for Lewisham, Deptford (Joan Ruddock), who I also wish all the best at the conference, spoke earlier about the high percentage of changes that individuals can make to this country's carbon emissions. Individuals' actions can account for about one third of those emissions, so, while we send our colleagues to negotiate at Copenhagen, we must remind ourselves that we must continue to ensure that we deliver the goods at home.

On the nature of the agreement, the hon. Member for Tunbridge Wells (Greg Clark) chose Bretton Woods as a parallel, and the right hon. Member for Scunthorpe said that Copenhagen may be the most important agreement since the war. I had come to the view—not from any reading, but from thinking back over world history since world war two—that the climate agreement, which I hope will be reached in December, but will certainly be reached as a result of the talks, could be a significant global agreement for a generation and more. People have begun to bandy about the idea that the agreement may be our last opportunity to make decisions that turn around the tanker and reverse the pattern of behaviour, so I think that it is like the peace treaty at the end of the second world war, or Bretton Woods, because it will change the way we do our global business.

I absolutely endorse what the right hon. Member for Scunthorpe said. The outcome of an agreement will not be detrimental to the developed or industrialised world: it offers us huge potential because of our geographical position—with the tide, wave and wind that surround us and, sometimes, the sun—and because of the abilities of our science, research and engineering sectors, our academic abilities, and our industrial capacity. We have not only the Humber estuary but the Thames estuary, the Tyne and Tees estuaries in the north-east, the Scottish east coast and the fantastic capability around Scotland. We are hugely well placed to deliver the new investment in jobs and opportunities; that applies to other countries, too. I sincerely hope that we recognise that there are positive outcomes not only for us but equally for the developing world.

I want to make my first substantive point to the Secretary of State by picking up the issue on which I engaged with him in my interventions—the nature of the deal. He was very honest with us, and I am grateful to him for that. It is clear that the deal must lead to two things: a timetable and enforceability. It is no good just having words without the mechanisms for delivering on them. Let me reinforce the view that I have reached, having talked to colleagues in other countries as well as here. It would be better, if it comes to it, to get the outline of a deal in December and then insert the details, the binding agreements and the figures slightly later instead of coming away with something that does not do that.

However, I am conscious of the politics of other countries, and our own. As we know, we face elections next year, because this Parliament has to end. Next autumn, the United States will have its two-yearly elections. From what I have heard—my hon. Friend the Member for Somerton and Frome (Mr. Heath), who has been in the States, has described the pressure that the Administration are under on the health agenda—my judgment is that if a deal is not done that the American Administration can deliver soon, the chances of that happening recede given the politics of the second half of next year, because people are always bolder in the first half of their terms of office than later on, and America is such a key player. The message that we want to send to the Prime Minister and to the Secretary of State and his colleagues is that if a final deal is not done in Copenhagen in December, we should—I see that the UN Secretary-General, the Danish Prime Minister and others are hinting that we may have to do this—adjourn and then reconvene to complete the process in the very early part of next year. I hope that the Minister who winds up can endorse that approach.

It is only fair that I should put to the House and to Ministers our considered view as a party. Our job is to support the Government on these things, of course, but also to embolden them. We have looked at the evidence, listened to the arguments, and came to certain views, some of which involve more ambitious targets than the Government have set, and I owe it to the House to put those on the table.

Everybody understands—the hon. Member for Tunbridge Wells was careful in his wording—that the worst case scenario that we would want to occur in terms of a temperature rise is a 2° increase. However, that must be the outside margin, as much of the science—it does not just come from people such as Lord Stern, who has been cited—suggests that we should be aiming at something nearer to 1.7° increase. I understand that it is easier to argue for 2° because it is a round figure, but we must realise that that is the outside margin and it would be better to have an ambition for something lower.

In terms of atmospheric concentration, 350 parts per million is now regarded— again by Lord Stern and the scientists who have done the work—as the aim.

Jo Swinson: I very much agree with my hon. Friend about the need to keep the temperature rise to 2°. Does he share my concern that even with stretching targets such as an 80 per cent. reduction by 2015, even with the things that currently seem politically difficult to deliver, that only gives us, according to the science, a 50 per cent. chance of keeping it under 2°, which is already a pretty big risk for us to be taking on?

Simon Hughes: I agree. That is why I take the general approach that the Secretary of State said that he would apply: the precautionary principle. This is not an area where we can risk not taking the action because in the end things might not work out as badly. We have to presume that the accelerating changes will go on accelerating as they have been. My hon. Friend is right: we have to act on the basis of the most dangerous option. That is why it is also important, for example, to try to ensure that we get to 2015 as the date when we stop increasing our emissions and start to bring them back down.

Barry Gardiner: The hon. Gentleman will know that in terms of atmospheric concentration we are already at 387 parts per million. Has he had a chance to consider the Royal Society's statement of earlier this year, which established that unless we reach 350 parts per million within 40 years, we are likely to see the entire global

[Barry Gardiner]

ecosystem of coral reefs collapse? That will be the first collapse of a global ecosystem in the human period. Of the five mass extinctions that have ever taken place on this planet, each has begun with a global ecosystem collapse.

Simon Hughes: Absolutely. The general public at home will not register if we talk about percentage reductions in emissions by certain dates in the future—2050 for young people. They understand it when we get that report about coral reefs, see the fantastically effective pictures of the Maldivian Cabinet meeting underwater when they said, "Look, this will soon be our country if we go on as we are", or hear about the sort of figures that we had this week from the International Union for Conservation of Nature—the most longstanding and well reputed organisation dealing with biodiversity worldwide—about the threat to the species of the world. They are frightening figures that say that 17,291 out of the 47,677 assessed species are threatened with extinction.

However, these things are not only relevant when they are a long way off. In my youth, there was the great World Wildlife Fund campaign for the panda. People understand that these things matter. They have concerns internationally about ecosystems, climate and species, but they are also worried when they hear that we may lose bluebells and butterflies in this country, that the east coast and the west coast may not always be there in their present form, and that villages on the Welsh coast or the East Anglian coast may be slipping into the sea. These are real issues. The more we see the effects of climatic conditions being disruptive, whether it is floods in the United Kingdom or desertification in Africa, or the figures that I put to the Secretary of State earlier about the number of likely refugees displaced—we are talking in millions—and the conflicts that could come from that, as this is as much about conflict prevention as about climate crisis being averted, the more we see that these are things we should be concerned about.

I want to make two more substantive points and then let other Members speak. I am conscious that it is important that the House gathers together to send the strongest message with all the expertise around the Chamber. Let me put bluntly to the Secretary of State the percentages that we think should be put on the table. There should be a commitment to a 40 per cent. reduction over the 1990 levels by 2020: that is where we ought to get to. The European Union has said conditionally that it is willing to go up from 20 per cent. to 30 per cent., but we think that the UK needs to be bolder than that. The Secretary of State indicated that there is opportunity for the EU to make that jump before the Copenhagen discussions. I hope that the EU will move to its stronger position but I hope that the UK may also say that it is willing to go further. We should also set a specific long-term intention to phase out greenhouse gases in this country by 2050.

Let me ask about funding, because the targets are one thing, but the money is the other. I would like to probe for answers to the questions that I asked the Secretary of State. The financial deal suggested was that €100 billion should be committed over the five years following the end of the Kyoto agreement in 2013, and that we would make our contribution to that. *[Interruption.]* I am sorry—the Secretary of State is saying that the period is 2013 to 2020. However, we do not yet know how, or the source of that money. It would be helpful if Energy Ministers put on record where the money will come from and the fact that more may be needed.

It would be useful if Ministers also indicated three other things. First, the money should not be paid through the World Bank, because it does not have the confidence of the developing world. There needs to be a new United Nations fund. Secondly, there may need to be new sources of revenue, and I put it to the Secretary of State that the most obvious one is a levy on the use of fuel by airlines and shipping, which are often untaxed in traditional taxation. That would be self-evidently international and could produce a new pool of resource. However, the Treasury, which is not represented in the Chamber today, would need to sign up to that. I would be grateful if the Chancellor and Treasury Ministers could say before the Copenhagen talks, "We, the Treasury, agree that the United Kingdom will have to make a contribution." I am sure that that would help Energy Ministers.

Mr. Morley: I agree with the hon. Gentleman that the Treasury has to be engaged, but there will need to be international agreement on shipping with the International Maritime Organisation, and aviation matters will also have to be agreed internationally. That must be on the agenda at Copenhagen.

Simon Hughes: Absolutely, and there is an awareness that those are two huge sectors of international activity that people will need to come to agreement on. I am setting out the context in which they need to deliver.

Thirdly, may I ask Ministers to be absolutely clear whether any commitments made so far by the UK, such as when the Prime Minister shared the announcement in Brussels the other day, have been announcements of new money? I have seen nothing to suggest that any new UK money has been announced as going into the kitty. I believe that they were re-announcements of earlier pledges, but I stand to be corrected, and if they were not they will be important.

The Government should make it absolutely clear to all of us—I have heard this plea elsewhere—that the money provided will be additional to overseas development assistance and does not include double counting. There is great suspicion among well informed commentators and those who follow these things that there is currently some double counting in emissions trading receipts and so on.

Over the next three or four weeks there will be continuing dialogue, and the last formal negotiating session took place the other day in Barcelona. I hope that this country will go further than it has before, and I believe the Secretary of State and his colleagues will gain credit at home and abroad for doing so. Just as we showed our leadership at the time of the industrial revolution by starting a new generation of successful economies, if the UK, as one of the two major historically responsible countries, can be really brave—even if some of the messages that we send might have cost obligations for us—the rewards will be great and the public will recognise that. We can afford to be bolder and braver than we have been, and I look forward to the Government ratcheting up the pressure and working on other countries, particularly the big ones, to deliver a braver outcome in the next few weeks.

1.43 pm

Frank Dobson (Holborn and St. Pancras) (Lab): Today's debate is general and wide-ranging, and I will leave it to others to deal with many of the issues involved. It is clear that the climate is changing and that in most parts of the world it is changing for the worse. I wish to concentrate my attention on the one place that is most vulnerable to climate change and has the largest population at risk—Bangladesh, a country a little larger than England and with nearly three times our population.

Most of Bangladesh is formed of the delta of not one but two of the world's major rivers, the Ganges and the Brahmaputra, as they discharge their waters into the bay of Bengal. As a result, most of the people of Bangladesh live on one of the ultimate frontiers of the world—a frontier between land and water and between the works of humankind and the forces of nature.

In recent years, Bangladesh has been successful in developing manufacturing industry, but most of its people are still dependent on the products of the land. The abundant water irrigates their crops and the silt renews the soil. That is in the good times. In the bad times, the self-same waters build up, get out of control and wreak destruction and death over huge areas. To put it in some perspective, the last major flooding extended over an area almost equal to the distance between London and Manchester. The scale is enormous.

Those dangerous and damaging waters come from three different sources, sometimes at different times and sometimes in combination. The monsoon rains over Bangladesh, the meltwaters of the Himalayas and cyclones from the bay of Bengal all cause flooding. All three sources of flooding are beyond the control of the Government and people of Bangladesh. All that can be done is to try to protect against them.

In the face of those natural disasters, over the centuries the people of Bangladesh have shown a resilience unmatched anywhere else on earth with the possible exception of Holland. Land lost to the rivers or the sea has been reclaimed, new crops planted and replacement homes built. More recently, with help from the UK and other donor Governments, limited steps have been taken to provide storm refuges and lift the level of the land.

Until very recently, all that happened in response to occasional, sudden and rather unpredictable crises. Not any more. Climate change threatens to melt the snows and glaciers of the Himalayas more quickly than in the past, and it is likely to affect the monsoons and increase the frequency of the cyclones. Above all, it threatens an inexorable rise in sea level. That is not just a future threat—it is causing problems now in Bangladesh. I am glad to say that our Government, already the principal aid donor to Bangladesh, have recognised the special need for extra help over and above the funds that we contribute to the anti-poverty programme. They are already providing £75 million to support climate change adaptation and have committed to providing more than £100 million over the next few years to help people maintain their livelihoods in the areas most vulnerable to climate change.

Those are immediate measures intended to deal with the problems that are arising now, but the longer-term protection of the people of Bangladesh will require funds and attention on an altogether vaster scale. My right hon. Friend the Prime Minister recognised that fact when, this summer, he urged the developed countries of the world to commit themselves to providing funds rising to $100 billion a year to help developing countries cope with the problems of climate change and continue to improve the standard of living of their people without disproportionately raising their emission levels. Just as he marshalled the effective worldwide response to the crisis that the bankers created, he has given the lead in the run-up to the Copenhagen summit, challenging other world leaders to accept or better his proposals and to join him in personally attending. He recently managed to get the EU Heads of Government to accept a fund of $87 billion—not the $100 billion we were hoping for, but I rather suspect that without the $100 billion target, the eventual total would have been far lower.

There is no doubt that help on that scale is needed. Otherwise, about half the population of Bangladesh—70 million people—could be affected by flooding every year and a tenth of the low-lying land could be lost for ever. Therefore, vast civil engineering works will be required: villages must be raised above flood levels; more flood and cyclone centres need to be built; embankments must be raised; and probably equally importantly, crops capable of coping with the occasional ingress of salt and brackish water must be developed.

Just one glance at the map of Bangladesh shows both the scale and the complexity of the problem and any measures intended to deal with it. Climate change will cause problems in our country, but without wishing to diminish their significance in any way, they will pale into insignificance compared with the problems of Bangladesh. The white cliffs of Dover are not likely to be engulfed, but the chars, sandbanks, mudbanks and riverbanks of Bangladesh will be unless we help the resilient and talented people of that country to build the protection they need against the disastrous and deadly consequences of climate change.

Of course, besides helping Bangladesh to cope with its problems, we need worldwide action to restrict the process of climate change. Only by combining protection and prevention will Bangladesh be saved for humankind. Nothing else will do.

1.51 pm

Mr. Peter Ainsworth (East Surrey) (Con): It is a pleasure to follow the right hon. Member for Holborn and St. Pancras (Frank Dobson), who is absolutely right to draw attention to the way in which climate change threatens soonest and most severely some of the poorest people in the world.

This has so far been an extremely interesting debate. Incidentally, I am very happy to tell the House that earlier today, the Green Energy (Definition and Promotion) Bill, a private Member's Bill, which I had the honour to introduce some months ago, passed its final stages in the upper House. I should like to record my personal gratitude not only to the Ministers and officials in the Department of Energy and Climate Change who helped and advised on the Bill, but to the noble Lord Whitty, who so skilfully steered the measure through another place.

We have heard already, in particular from the hon. Member for North Southwark and Bermondsey (Simon Hughes), about the threat to global biodiversity and natural things. When I had the pleasure of hosting an event the other day in this place for the organisation

[Mr. Peter Ainsworth]

Plantlife, of which I am a trustee—it published a new book called "The Ghost Orchid Declaration" about the plight of wild plants in our country—I was vividly reminded that one in five of our wild plants is currently threatened with extinction. Each county in our country is losing, on average, two of its wild plants every year.

Obviously, the causes of that are complex. It is to do with unsustainable farming practices, a planning system that does not understand the needs of wild things, poor management, and in some cases climate change. Above all, it is to do with neglect. There is always something more important, a more pressing agenda, or someone making a row about something other than the plight of wild plants. I mention that only because I think something rather similar has affected the debate about climate change for very many years. It is 17 years since the Rio conference, and today we are having a discussion in the Chamber almost as if it never happened.

Andrew George (St. Ives) (LD): It is also to do with the issue of invasive plants—Plantlife has done some excellent work in that field—which are particularly prevalent in the UK. The Government introduced a horticultural code of practice in 2005 that was intended to get on top of the problem, but this country's indigenous species, particularly flora, are very severely threatened in many areas by invasive species, which need to be dealt with.

Mr. Ainsworth: The hon. Gentleman makes a very good point. Of course, people in his part of the world suffer from invasive species every summer on a grand scale—they are usually towing caravans! He is absolutely right, and Plantlife has done important work in drawing attention to the problem of invasive species.

Mr. Gummer: Does my hon. Friend agree that the example he uses is another pointer to the fact that we cannot think of climate change on its own? Climate change is merely a symptom of the fact that we, as human beings, are living in a way that is absolutely unsustainable. We have to deal with that, even if it is nothing to do with climate change.

Mr. Ainsworth: I entirely agree with my right hon. Friend. The fundamental point is that we need to learn again to live within the limits that nature has given us. If we continue to pretend that nature is limitless, which it clearly is not, particularly bearing in mind global population growth, which has been mentioned, we will continue to put our future and the future of everything else that lives on this planet at risk.

I drew attention to the plight of wild plants in our country to make a broader point on what has affected the global negotiations on climate change. I must say that I looked with a degree of despair at the consequences and outcome of the tortuous negotiations that took place within the European Union last week, and at the communiqué that came out of them, which did not fill me with enormous hope.

It is commonly said that sorting out climate change is about saving the planet, but as I have said before, it is not about that, because the planet is perfectly capable of looking after itself. What we are really talking about—this has been mentioned by right hon. and hon. Members—is saving human lives, civilisation, culture and the values that we human beings have tended to try to hold dear over very many centuries. Watching this slow process grinding towards some sort of fudge at Copenhagen fills me with a certain amount of despair, as I said.

It may well be that today's generation of politicians is not up to this task, but unfortunately, only today's generation of politicians is being asked to undertake it. After all, in the end, they are politicians and not saints. In democracies in particular, we know how easy it is for agendas to be tugged away, and for more pressing, immediate issues to dominate. All I can say to that is—we know this from Stern and other commentators—unless we take action at Copenhagen or very soon after this coming December, the difficulties that we will collectively face in dealing with the problem will only get worse and more expensive, and I suspect that they will involve a degree of coercion that many people might find unpalatable. There is a need to take action now.

I was disheartened by the comments on recent negotiations by Rajendra Pachauri, the head of the Intergovernmental Panel on Climate Change, who said:

> "Science has been moved aside and the space has been filled up with political myopia with every country...trying to protect its own...short-term interests."

If that is a correct reflection of the way those negotiations are going, it is a disastrous state of affairs.

Like other hon. Members, I was delighted with the Secretary of State's speech—he was indeed honest and said that negotiations were not going well. It is not within his power to make them go well, or indeed within the power of anyone in the Chamber, but it is essential that they do so.

Even within the European Union, we have seen divisions, arguments and disputes, and the inability to come up with clear numbers because certain member countries are not really signed up—I name Poland in particular. If countries within the developed European Union cannot come up with robust numbers and instead must come up with a fudgy expression such as "paying our fair share", how on earth can we expect the developing world to look upon us seriously? How are we going to bridge the gap between €100 billion—a figure that has been put around—for adaptation and mitigation, and €400 billion, which is the rough figure that the developing world came up with earlier this year? We are a very long way from reaching an accommodation on that.

I do not blame the Government for that. Indeed, I commend them on the way in which they have handled the approach to Copenhagen and the international context of climate change. It is the domestic arena that has seen some significant failures, prevarications, contradictions and delays. On the international agenda, the Government have done as good a job as could be expected.

However, the Prime Minister said after last week's negotiations:

> "Europe is leading the way, making these bold proposals".

He continued:

> "The major decision to come out of this is we're leading the way on climate change negotiations".

Those words do not fill me with enormous enthusiasm. "Leading the way" is not a decision in any case, although it may be a fact. Depressingly, it may be true that Europe is leading the way, but—as I have tried to

suggest—we are not doing a good job of persuading even our own people that there is a task in hand for the world leaders to consider in just a few weeks.

The US has been mentioned, and it is in danger of getting seriously bogged down in its domestic political agenda. The Bill there has stalled because of problems in the Senate. If the US comes to Copenhagen without a clear agenda, what message will that send to the developing world and, more particularly, to China? China has been making much more positive noises, and that is greatly to be welcomed, but if the Americans do not step up to the plate with some robust proposals, what incentive will China have to go the extra mile? While all this haggling is going on, the developing world is looking on with scepticism, and that is also a matter for concern.

Nobody now expects a robust or proper result from the Copenhagen discussions. Even the delightfully named Yvo de Boer, the head of the United Nations framework convention on climate change, has said:

"It is physically impossible to complete every detail of the treaty at Copenhagen".

The talk now, as we heard from the Secretary of State, is for political agreement, not legal agreement.

So we are haggling over money—and the numbers do matter—but I come back to the question of priorities. Earlier this week, the taxpayer, courtesy of the Government, wrote a cheque for £35 billion to the Royal Bank of Scotland—in a single day, we wrote a cheque for the same amount as we are likely to spend in 2020 to deal with climate change in the whole year. That illustrates a strange sense of proportion. Important though RBS is, it is not as important in the long run as saving human values, culture and civilisation or all the other opportunities provided by climate change, such as promoting green energy, jobs, energy security and so on. Let us get the situation into perspective. When I heard about the latest RBS bail-out I was reminded of an American commentator who wrote:

"Mother Nature doesn't do bail outs."

If I sound a little depressed about the prospects for Copenhagen, it is because it is a depressing outlook. Copenhagen offers the best chance of a binding, clear and just agreement, but it is not quite the last chance. I wholly agree with the hon. Member for North Southwark and Bermondsey, who made the point—I think that the Secretary of State agreed—that it would be much better not to have a deal at Copenhagen if it is a bad deal. Instead, it would be preferable to have an agreement that took us seriously and quickly towards a proper deal at a later date if that is what needs to happen. At least the negotiations in the run-up to Copenhagen, and the summit itself, may remind world leaders of the science—the Secretary of State was right to remind the House of the science—and the urgency of addressing this matter.

In all of the haggling over detail, let us not forget the overarching objective. The one thing that can move the world forward to a better and safer place is the establishment of a robust global price for carbon. The European emissions trading scheme, with all its flaws, weaknesses and failure thus far to deliver, is none the less a model that can be adapted, changed and made to work, not only in Europe but around the world. If we put a price on carbon, every decision we take can be taken within a logical and rational context. We could make choices about whether we wanted expensive options that involve fossil fuels and high-carbon activities, or alternatives—which already exist in many cases, technologically—that are cheaper because they do not involve the carbon pollution of old-fashioned technologies. Such a scheme could raise many billions of pounds, dollars or euros—whichever currency one chooses—and would certainly play a key role in dealing with the problem of the rainforests, which has rightly been touched on today.

A global tax is adyocated by some. Tax may well have a role to play within national Governments, but there is no global structure for taxation and that is therefore not an option. In the end, the markets will have to become a power for good. I know that that is a paradox, in that it is unbridled market activity that, over many years, has got us into the mess in the first place. But with the right framework in place—and it is politicians who need to put it there—the markets can deliver. The politicians' only job in this debate is to get the framework right. If we get the framework right, the market, human choice and rationality will do the rest. Put like that, it all sounds rather simple.

2.6 pm

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): It is appropriate that I should follow the hon. Member for East Surrey (Mr. Ainsworth) in two respects. First, although his speech was rightly pessimistic, it highlighted the challenge that the world faces at Copenhagen and in negotiations to follow. Those negotiations clearly will not reach the outcome that we desired, and therefore it is right to be realistic about where we are, but also right to consider how we can move forward over the next few months.

Secondly, the hon. Gentleman highlighted the importance of market mechanisms in, for example, putting a price on carbon and, as he may know, I have been doing some work with my right hon. Friend the Secretary of State for the Prime Minister on how we move towards a global carbon market. I know no one who suggests that a carbon market would provide the entire solution, but I have come to the view that putting a price on carbon through a system of tight caps on emissions by developed countries is an essential part of the package. It would also help to provide the resources that the hon. Gentleman said need to flow to developing countries.

The hon. Gentleman was right to be if not pessimistic, then realistic about the challenges that face us. I share the recognition across the House of the lead that my right hon. Friend the Secretary of State and his ministerial colleagues have taken internationally in working towards an agreement at Copenhagen. If one speaks to parliamentary colleagues from other countries, there is no doubt that they recognise that the work that the British Government have done in trying to achieve international agreement has kept up momentum and led to recognition of the need to achieve a strong agreement at Copenhagen or thereafter.

I also welcome the cross-party consensus here today and in the debate running up to Copenhagen. There is no doubt that the position of the Government internationally is strengthened when other countries know that they speak for a broad consensus within the British political system.

[Mark Lazarowicz]

The Secretary of State and his colleagues have been right to emphasise the importance of trying to seek a legally binding agreement in Copenhagen. That is certainly what we need. The emphasis appears to be moving from a legally binding agreement to what is described as a political agreement with numbers—in other words, a political agreement with specific commitments from developed countries and, more importantly, developing countries to emissions reductions. Nevertheless, we should not lose sight of the fact that we need to achieve a legally binding agreement or treaty.

In one respect, it could be argued that a comprehensive political agreement to which countries are genuinely signed up would perhaps be better than a legally binding agreement that we do not intend to implement—that was obviously part of the experience of Kyoto. In that sense, a political agreement at Copenhagen with clear commitments would be a major step forward. We should not lose sight of the fact, however, that in my view and that of most in the Chamber, I am sure, it has to be followed up with a legally binding agreement, with a compliance mechanism to ensure that countries fulfil those objectives.

I would be interested to hear from the Minister the Government's view on the process that they envisage being put in place to ensure that, whatever agreement is reached at Copenhagen—lets us hope that it is a substantial one—negotiation work will continue with haste and determination thereafter. I have heard people talking about a conference reconvening in three or six months, or perhaps not until the next annual conference in Mexico towards the end of 2010. It is important that momentum continues beyond Copenhagen, whatever the outcome of the negotiations.

I am sure that all in the Chamber know that an agreement is vital. There is a number of essential elements to any agreement: a recognition of the science; a commitment to a rise in temperatures of no more than 2° C; a recognition of equity for developing countries; the provision of the finance necessary for developing countries; a clear indication of numbers for the emission reductions expected from developed and major developing countries, as I mentioned; and of course an agreement to establish it on a legal framework at an early date.

It is important, when we have such discussions, to balance the correct appreciation of the seriousness of our position, which the hon. Member for East Surrey rightly emphasised, with the need not to become so pessimistic that people are driven into thinking that action is not worth taking. The Secretary of State, in his opening remarks, was right to emphasise the positive aspects of moving to a low-carbon economy. Mention was made by the hon. Member for North Southwark and Bermondsey (Simon Hughes) of the opportunities, particularly along the coast of east Scotland. I represent a constituency there and I know that hundreds of people are already working there in renewable industries of various sorts. They are already involved in many initiatives showing how moving to a low-carbon economy can be good for the economy and the future.

We need to emphasise to the public that changing to a low-carbon economy undoubtedly means substantial changes in the way we live, but that it does not necessarily mean moving to a hair-shirt existence. It is a question of changing our lifestyles and in some respects, one could argue, improving our lifestyles, if we change our lives to reflect the needs of a low-carbon society.

Having said that it is important to be positive, we must also recognise that public concern about the matter is driven by an understandable fear of what climate change will mean. The public are right to be frightened about what runaway climate change will mean—all of us in the Chamber, I am sure, are frightened about it too. That is another point that needs to be borne in mind when we think about what will happen after Copenhagen if there is not a substantial agreement, and if the leaders leave with no agreement or—this would be worse—a sham agreement.

I am sure that all hon. Members have been contacted over the past few months and years by hundreds, if not thousands, of people in their constituencies concerned about climate change. As we all know, there is a strong movement in society of people concerned about it. They want our leaders, political community and world leaders to ensure that we get the right type of agreement at Copenhagen. If we do not come up with a strong agreement in Copenhagen, and if we do not build the mechanisms to ensure that the agreement is followed through—with detailed agreements thereafter—we run the risk of creating immense disillusion among hundreds of thousands, if not millions, of people in this country and other countries who are relying on world leaders finally to face up to the challenges that must be faced if we are to tackle climate change.

If we fail to come up with an agreement at Copenhagen, we will be doing a great disservice to the political process. The disillusionment that people have, for other reasons, with the political process will spread to those who expect us to come up with solutions at Copenhagen. It is important for so many reasons that we come up with a strong agreement and that we indicate that a broader political agreement can be followed up with a specific lead agreement thereafter.

The fact that there is a strong civil society, not just in our country but internationally, that is so concerned about the issue is a source of encouragement as well. I have seen develop over the past year or so a genuine world community interested in such matters. There are movements in different countries that listen to, rely upon and work with political and environmental movements in other countries.

Mr. Weir: Will the hon. Gentleman give way?

Mark Lazarowicz: In a second.

That political movement is a force that will have its influence felt at Copenhagen, not just through the thousands of people from non-governmental organisations who will be lobbying leaders at Copenhagen, but because they reflect the concerns of hundreds of millions of people worldwide. The leaders of the world community do not—

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the hon. Gentleman give way?

Mark Lazarowicz: In a second. If the leaders of the world community do not reflect those concerns at Copenhagen, they will have to answer to their electorates and constituents. Equally, the pressure from those constituents and communities will be a powerful force to concentrate the minds of world leaders in trying to get something decent out of Copenhagen.

Mr. Weir: I am listening carefully to what the hon. Gentleman is saying, and I agree with much of it. However, does he not agree that there is a bigger danger in not coming to an agreement in Copenhagen—not for those engaged with the climate change debate, but for the vast majority of people who have simply been told that we need to do this? If we come away from Copenhagen without an agreement, what will the impact be on them?

Mark Lazarowicz: The impact on everyone in the entire world community will be serious, regardless of whether they are personally involved. That emphasises the need for an agreement to be reached at Copenhagen.

Mr. Lilley: The hon. Gentleman seems extraordinarily complacent, like everyone else who has spoken so far, about the fact that the proportion of people concerned about climate change in this country is now lower than in any other country in the world and has fallen by one third over the past year. Why does he suppose that this is so, and why does he ignore it?

Dr. Whitehead: It's because of people like you.

Mark Lazarowicz: My hon. Friend, from a sedentary position, suggests that people such as the right hon. Member for Hitchin and Harpenden (Mr. Lilley) might have a role to play in that situation. The right hon. Gentleman's observation is not my experience. I see in my constituency growing interest in such issues. Interestingly, even during an economic recession, when traditionally people are more interested in bread-and-butter issues of the economy than in saving the planet and climate change, I find that people are still as interested as they were a year or two ago. I believe that public concern is greater than ever before. That is the basis on which I proceed in Parliament and my constituency.

Mr. Graham Stuart: Although I might take a different view on the broader issue from my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), I, too, think that the hon. Gentleman is being complacent about the level of public engagement. It is a very major issue for a minority of people, but it has impinged very little on the vast majority of people. Does he have any thoughts on why we have not been more successful as a society—I do not want to make a partisan point about the Government—in increasing understanding of the risks threatening us? I say risks without wanting to play down the uncertainties.

Mark Lazarowicz: I am in danger of being diverted from the main thrust of my argument down a road that, although dealing with an important point, perhaps does not deal with the essential point that I want to make. In so far as what the hon. Gentleman said is the case, it is up to political leaders—Members of Parliament and Governments—to try to get the message across. However, my experience is that the public concern is still there and I do not think that it will go away. Indeed, the realities of what is happening in the outside world as a result of climate change will always bring the issue back into political debate as a central part of demands for action.

Given our importance in Parliament as politicians representing the wider community, it is also important that we are not, to coin a phrase, too complacent. It is good to have the degree of consensus that exists in the Chamber today, but we should always be wary of allowing political consensus not so much to mask genuine divisions, but to lead us into failing to recognise that we need to make difficult choices as political parties, or that we cannot always find an easy solution on climate change that will please everybody.

I do not want to reopen the discussion that took place in the Chamber on Tuesday, but there were times in the debate on the private Member's Bill dealing with wind turbines when some hon. Members seemed to be trying to have it both ways, by jumping on the bandwagon of opposing wind turbines, but at the same time professing their commitment to tackling climate change. We cannot continue indefinitely in a world where we are in favour of tackling climate change, but at the same time are against wind turbines or in favour of airport expansion or whatever policy we regard from our position as more important than tackling climate change. Politicians also have a role to play in being honest with the electorate, which might answer the concerns raised by the hon. Member for Beverley and Holderness (Mr. Stuart) about how we re-engage the public on the issue.

However, my intention was not to introduce too much discord into this debate, even though I appear to have provoked some. I want to accentuate the positive in our discussions in the Chamber so far and the opportunities of reaching an agreement internationally. In many respects great progress has been made internationally. Mention has been made of the change in the positions of the Japanese and Australian Governments. Although the US Administration's position is problematic, to put it mildly, last year's change in the US Administration nevertheless had effected a dramatic change to the background to the international negotiations on tackling climate change.

As the right hon. Member for Suffolk, Coastal (Mr. Gummer) said in one of his interventions, if we can start turning the world round towards a low-carbon economy, we may be able to move much more quickly in that direction than some people appreciate. If we find that we can do that more easily than some people thought, we will be able to accelerate progress towards the change in our economic system and our lifestyles that is required.

Equally, as the hon. Member for East Surrey emphasised, there will be serious issues if we do not get progress at Copenhagen. We are running out of time. If the world does not come to a serious agreement within the next few months, we will undoubtedly reach the point not where we are talking about a 2° C rise in temperatures, but where even a 4° C rise might seem on the low side. As the hon. Gentleman pointed out, if we are in that situation, we are talking about irreversible damage and destruction to civilisation, the planet and our very species. That must always be a reminder to us all of the urgency of reaching a decision and a comprehensive and substantial agreement at Copenhagen and in the months thereafter.

2.24 pm

Mr. John Gummer (Suffolk, Coastal) (Con): Let me first declare an interest. I represent a constituency with 74 miles of coastline. Therefore, I sometimes feel that I am talking about a local concern. Like the right hon.

[Mr. John Gummer]

Member for Scunthorpe (Mr. Morley), I also need to make an apology, in that I may not be here for the wind-ups. I have apologised to the Minister for that.

We have to start by accepting that climate change is a symptom of an unsupportable way of living that we, as the human race, have developed. It has become unsupportable because we have democratised it. It is possible for a few people to live totally selfishly, but that is increasingly impossible if we all operate as if we have a planet and a quarter—or three planets, if we continue in this way because it is a fact of life that democracy and the spreading of wealth demands more from our planet than it can support.

Therefore, we must recognise that, although climate change may be the thing that is prodding us, we have to find an answer to a series of things that demand a change in our lifestyle, and not only in the rich countries but throughout the world. Now that there are more middle-class people in India than in western Europe, we have to recognise that the issue is not about rich countries and poor countries, but about those who consume huge amounts and those who do not, who may both be in the same poor country.

We also have to recognise that we are under a security pressure. We should not kid ourselves about this: we are dependent for our energy on five of the least stable countries in the world. That is not a very sensible position to be in, and any sane person would try to move away from it. Whatever our views about climate change—one of my right hon. Friends will no doubt put forward his views, with which I deeply disagree—they do not matter. They do not matter because we will have to act anyway, so let us get off that argument and on to how we achieve that end. One way is to recognise the interrelationship of all the issues—what happens in the forest and what happens in the oceans, which are being destroyed by the pollution that we are putting into them. All that has to be faced in a joined-up way.

What are the challenges? First, there is a huge challenge in our view for the rest of the world. We have a historical responsibility for what is happening. Not only is a bigger proportion of current climate change the fault of us here in Britain, because of our leadership in the industrial revolution, but the way in which we operate has changed our relationship with nature, and many of the important decisions were ones that our experts and leaders made. Let us therefore face that responsibility. We have grabbed too great a share of what the planet can carry.

That means that we ought to recognise that we must make it possible not only for us to meet our responsibilities, but for others to meet theirs. That is why I said to the right hon. Member for Scunthorpe that those two things must always be said together if we are to get support from developing countries. However, not only should we think about rich countries and poor countries, or rich people and poor people within the same country; we should also remember that there is an overall concept of social justice, which is crucial if we are to deliver what we need to deliver at Copenhagen.

Mr. Peter Ainsworth: I know that my right hon. Friend is not always a huge enthusiast for the workings of the Church of England, but will he take this opportunity to congratulate the Archbishop of Canterbury on his leadership in bringing together representatives of all the main faiths in the United Kingdom to produce a document that calls for tackling climate change as a moral imperative?

Mr. Gummer: I am certainly happy to do that, and I hope that my hon. Friend will also congratulate His Holiness the Pope on doing precisely the same thing on a world basis.

If I may say so, I was a little unhappy about the mutterings from the Secretary of State, whom I much admire, when he complained that Keynes, Hayek and Thatcher were all quoted together. I will take any support for what is so magnificent a quest, and we should be interested that so many great minds have committed themselves to dealing with the issues before us. So, I agree with my hon. Friend the Member for East Surrey (Mr. Ainsworth), and his point leads me to say that, even in regard to small things, we need to face these facts.

I must declare an interest: I am the chairman of a water company, one of whose subsidiaries is the only water company to be allowed compulsory metering. The reason for that is that we do not have any water. I refused to have compulsory metering until there was a socially fair tariff, because we cannot ask poor people to carry a heavier burden than those who are rich. We therefore have to accept that social justice is an essential part of delivering the climate change solutions that we need, and we need to ensure that that happens in every part of the world—*[Interruption.]* If I may say so, those smug faces on the Labour Back Benches should recognise that social justice is not a private deal among certain kinds of Labour Members. There are many people on both sides of the House who have talked about and worked for social justice all their political lives, so let us have a little less of that. We have to do this together in our various ways. Some of us happen to think that capitalism delivers social justice more effectively than other systems. That is a matter of argument, but let us face the fact that our aim must be the same. It is better not to belittle others when they happen to put their views forward.

That is also important in recognising the problem of population. Those who have read *The Economist* this week will have seen the interesting articles on the fertility rate. There are now two major parts of India—Tamil Nadu and Kerala—in which the population is not reduplicating itself, and the birth rate is below two children per family. The reason for that is the improvement in the standard of living. The only way to deal with the population issue is to recognise that it is not a question of telling poor people not to have more children; rather, it is about making poor people rich enough not to need them.

Barry Gardiner: I heartily endorse the point that the right hon. Gentleman is making. Is he aware that Kerala is also the state with the highest literacy rate in India, and that for every two years that a girl stays on in education, she has one fewer child?

Mr. Gummer: As the hon. Gentleman suggests, as people's economic position improves, they are able to see how to improve their family life in ways other than having enough children to bring in the harvest and to

look after the older generation because there is no alternative. That is a crucial issue, and women's education is at the heart of it.

It is necessary for us to take the moral high ground, but that should not stop us thinking about the self-interest involved. If Britain wants to be in the same position in the future that the industrial revolution put us into in the past, we really must accept the green revolution. That was the whole burden of the report produced by the Quality of Life group, which I had the honour to chair. The report made it clear that there was an economic imperative to deliver a low-carbon economy.

The thing that worries me is that the United States is now beginning to understand that, and that it can win. Indeed, business in the United States is well ahead of the present Administration in that regard, and light years ahead of ex-Vice President Cheney. If we do not keep up, that latecomer will corner the very markets that ought to be ours. We ought to remember this serious self-interest—as long as we do not forget that the first and foremost issue is our moral responsibility towards the rest of the world, and towards our children and grandchildren.

That approach demands leadership, and we need to recognise how difficult it is for some people to show such leadership. After all, the United States has a large number of people who do not believe in climate change, and half its population do not believe in evolution. It is very difficult to deal with people with that kind of attitude. Just try talking to members of the Democratic Unionist party on this issue: they do not believe that life goes back more than 80,000 years, so it is impossible to talk to them about 400,000 years of proof that the climate is changing. We clearly have problems in this country, but there are certainly greater problems in the United States.

Business is demanding action, however, and this is why I want to support the point made earlier to the Secretary of State that Copenhagen is crucial for business. Businesses want to know that, when they invest, that investment will be honoured, if I may put it like that. Therefore, in the discussions ahead it is important to have an all-party consensus—there are one or two people who have a different view; that is perfectly all right; there are always a few on the fringes—but achieving that consensus must not stop us from trying to help the Minister of state move further forward.

When I was Secretary of State for the Environment, I was much helped by Greenpeace. At the time, the Labour party was not frightfully keen on the environment—I am sorry to say that there was not much pressure from the Labour party then—so I was pressured by Greenpeace. That helped me to say to my Cabinet colleagues, "Look, we really have got to move"—otherwise, they would not have seen why. Similarly, we have to help the Minister now, so I hope she will not mind my saying that there one or two things that I think the Government could do very soon—I hope in advance of Copenhagen—to show that we are doing at home some of the things that we ought to be doing.

I will not go back to the issue of the third runway for London airport, except to say that I find it incredible that anyone seriously still wants to go ahead with that in the circumstances of climate change. I hope that the Minister will recognise that a bit more joined-up government would help. I received a letter from the Department for Environment, Food and Rural Affairs explaining why it is in general in favour of doing something about hydrofluorocarbons, but not quite at the moment and not altogether, and perhaps there will be this and that. Industry is stopping using HFCs, so why cannot we follow and simply say that we will not have HFCs after a certain date and we will be leaders in Europe on that issue? The answer is no because there are many people low down in all sorts of ministries finding what I have always called "better not Ministers' answers" to all these things. That is why I ask the Minister to do all she can to try to make us more joined-up about these matters.

I thought it a pity not to accept the 10:10. I felt that that gave out the wrong signal. It was the wrong signal when talking about biodiversity and the marine world to say that we would not protect ecosystems. The Government must be more careful to try to give the right signals on every issue. I say that as someone who has been a staunch supporter of the big things that the Government have done and as someone who will not attack Ministers for the work they have done, as recognised throughout the world. It helps, however, if one is prepared to say some of those things about the wrong signals.

When it comes to the Liberal Democrats, it helps if some of us tell them that it is no longer any good saying that we are prepared to fight climate change on every basis except nuclear power. When they say, "We can have everything else, but not nuclear power", it suggests that nuclear power is somehow worse than climate change. I do not think that nuclear power is enough: I have two nuclear power stations in my constituency and I am looking forward to having two more, and my locality is in favour of it. I do not mind all that. Let us face it, nuclear is an interim measure, but I just think that we have to support all the things that we need to have.

Simon Hughes *rose—*

Mr. Gummer: I will not give way to the hon. Gentleman, as I have had this argument with him before. He is wrong, and I am sorry about it, but one day he will find out why he is wrong. The fundamental reason why he is wrong is that we cannot afford to put second-order issues in front of the major issue that lies before us.

That brings me to saying a few words about the Treasury. The Treasury is endemically opposed to any long-term decisions about anything. I remember winning the battle over the landfill tax when my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) was the Chancellor of the Exchequer and believed in it. I recall being there when he turned to one of those superior mandarins and said, "I am very sorry, but we are going to do it. I do not care. I am in favour of pushing the market, which is what a tax on landfill would do". I saw the awful look on the face of the mandarin who had finally been caught out and told, "We're going to do this, because it's right; we're going to do it because it is necessary in the long term". That kind of decision making is what we need in the Government today. That is why I am always sorry that a Treasury Minister is not compulsorily placed on the Treasury Bench, which would force him to listen to this debate.

What a pity it is, too, that all those people up in the Press Gallery who chat about the minutiae and bits and pieces of the Westminster village, who write about all the silliness and who make all the jokes, are not here

[Mr. Gummer]

today to report the real issue. This is the real issue. We know exactly why the public are not frightened about climate change as they ought to be: it is because the press have ceased to realise that, as Lord Reith rightly recognised, part of their job is to inform people about matters that are important in a form that enables them to understand.

Mr. Lilley: Will my right hon. Friend give way?

Mr. Gummer: I will not, because I do not have enough time.

Mr. Lilley: My right hon. Friend has mentioned me a number of times.

Mr. Gummer: If I give way now, I will not be given any extra time.

I want to say something very hard to the Government. The Department of Energy and Climate Change has been brave in many ways, but the Department for Transport is about as brave as a chicken. It finds it terribly difficult to move on anything. Indeed, Ministers in Departments across the board are not moving at the same speed as the Secretary of State for Energy and Climate Change.

I say this to the Minister of State: if we are to lead in Europe—and my goodness, we need to be in Europe and be an active part of the European Union in order to achieve these ends—we really must show people that we are doing more at home than we are at present. Let us try to match our words abroad with the reality of courage back at home. I ask the Minister to pledge a simple word: courage. Courage now, courage tomorrow, courage every day. That means asking what is the brave, right thing to do, rather than what is the electorally easy thing to do, even in the run-up to a general election.

2.41 pm

Colin Challen (Morley and Rothwell) (Lab): It is a great pleasure to follow the distinguished right hon. Member for Suffolk, Coastal (Mr. Gummer), who seems to hit more bases in one short speech than the rest of us put together, even if some of those bases are slightly awry. I may return to that point later. It was also a pleasure to hear my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) talk about Bangladesh, partly because the all-party parliamentary climate change group of the Westminster Parliament is currently conducting an inquiry jointly with the Bangladeshi Parliament's all-party climate change group. We hope to publish our report just in time for Copenhagen.

It has been said many times this afternoon that the Copenhagen process seemed likely to move—in the words of my hon. Friend the Member for Newport, West (Paul Flynn) during climate change questions this morning—at the pace of an arthritic sloth. We have a cartload of low expectations from a conference that was previously billed as the last chance saloon. Once the negotiations started in earnest—once the poker game had begun—all the high-flown expressions of ambition and aspiration seem to have been blown out of the window. Now that people have been asked to put their chips on the table, we find that those chips appear to be non-existent. In the words of President Obama, COP 15 is now merely a "significant step". Others have referred to it as merely a window of opportunity, but in my view that should probably read "widow of opportunity". It certainly seems likely to prove a missed opportunity.

As I said in an intervention earlier, in Barcelona this week the African group engaged in what some described as a walk-out and others termed a difference of opinion which caused them not to attend a meeting. In any event, the fact is that they are extremely disappointed that the annexe 1 countries are not coming up with the numbers: the chips on the table. One wonders why we should expect the African continent, or many other developing regions, to have any trust in our promises, given that—as we have seen in recent days—the European Union, while still making these great promises, has found it so difficult to deliver.

The United States, thankfully, is moving at quite a rapid pace to escape the eight years of total inactivity on climate change that occurred under George W. Bush, but what it is offering seems to me to be far too little.

The headline figure of the Waxman-Markey Bill appears to be a 4 per cent. cut in carbon emissions, against a 1990 baseline, by 2020. Given that a 5 per cent. global cut was talked about at Kyoto, the United States ambition must be set in context; it is not high enough. Even though that over-1,000-page Bill, which contains many other very good measures, has now slipped through the House of Representatives with the slenderest of margins, the overall ambition seems minimal. If the Americans do not increase their ambitions, I cannot understand why the Chinese would want to put their chips on the table. In those circumstances, why on earth would the European Union want to pursue its higher intended budgets? There are competition issues, and many business lobbies would exercise a great deal of sway over that.

What does all the delay mean? What does it amount to? Scientists are already talking about us being committed to a 2.4° increase in temperature, even if we stop all anthropogenic greenhouse gas emissions today. Our commitment, of course, is to try to contain the increase to less than 2°. Professor Schellnhuber, who is Angela Merkel's climate change adviser and a main member of the IPCC, has illustrated how serious this problem is. He said that if emissions peak in 2010—next year—we will need an annual cut of 2 per cent. if we are to halve global emissions by 2050, relative to 1990. If the peak occurs in 2015, which is when the IPCC says that we should reach it, the annual cut required increases to 3.6 per cent. If we peak in 2020, which is the most likely possibility in the mind of a realistic optimist, that translates into a 6 per cent. annual cut in greenhouse gas emissions. If the peak happens in 2025, which is perhaps bordering on the pessimistic, the figure is 12 per cent. If we go to 2030, which is not that far away, the annual cut is 22 per cent. Those figures are horrendous however we look at them. Lord Stern has pointed out that what we are trying to do is more demanding than even the accidental reductions in greenhouse gas emissions that take place in any recession.

Mr. Graham Stuart: Irrespective of whether the peak happens in 2015 or 2020, does the hon. Gentleman think that it is realistic to believe that the required emissions cuts can be made when no country has managed more than about 1 per cent., or at most 2 per cent., even in the case of Russia when its industries collapsed?

Colin Challen: That would call for the most radical transformation of our economy. Many people are working on that, but they are still on the fringe, perhaps in the way that people who spoke about climate change were on the fringe 30 years ago. I do not necessarily include Margaret Thatcher, but I bet that some people in her party thought that she was a bit on the fringe when talking about climate change to the United Nations and making a big issue of it. She should obviously get credit for that. Organisations such as the New Economics Foundation, the Green New Deal Group, which includes quite a number of people, and other campaigns show that we could start the transformation far more quickly if we had the political will.

Mr. Peter Ainsworth: The hon. Gentleman will find that the Conservative party is hardly on the fringe and that the low-carbon economy paper that we published earlier this year is an excellent blueprint, which I commend to him, if we want to move quickly to such an economy.

Colin Challen: I am always fascinated by cast-iron guarantees, so I shall look forward to reading that document as soon as possible.

I want now to turn to our plans. The Committee on Climate Change has been bold in the recommendations in its first annual report to Parliament. I hope that, as with the Kelly report, we will adopt the CCC's entire recommendations without equivocation. That would call for a pretty massive transformation. However, the CCC still has a somewhat optimistic bias in its reading of the models. It is talking about projected annual carbon savings of 2 to 3 per cent., which is well beyond what we have managed in the past, without the assistance of a recession. We should carefully consider its recommendations, but also accept that they might be an optimistic basis on which to proceed.

So far, what are the grounds for optimism in terms of delivering some of these changes? In the context of our Labour Government's overall economic investment strategy to get us out of recession, one bank assessment stated that the green component of the industrial strategy is about 7 per cent. In South Korea, it is 10 times greater. That tells us something about the difference between us, in that the South Koreans still plan their economy, rather than simply leaving it to the ravages of the marketplace.

The Government have been open and honest about where we are potentially heading and about the impacts of global warming in various regions around the world, as the maps that have appeared on the Table before us illustrate. The Committee on Climate Change says that even if all its plans come to fruition—which is a big ask—we still have only a 44 per cent. chance of success. Having recently heard more of the science—and we are halfway through an IPCC review period, so still more of it is emerging—it is clear that a 4° increase in temperature is on the cards. That will, of course, lead to different temperature changes in different parts of the world: in the Arctic region, perhaps by 8° to 10°, and it might be of a similar order in equatorial regions. We are obviously in a mess, and very swift action is required to get us out of it.

Sadly—my Front-Bench colleagues might anticipate my next remarks, and this is where I depart from the prognosis of the right hon. Member for Suffolk, Coastal—we seem to want to adopt technologies that cannot deliver in time. Does anybody really expect either carbon capture and storage or nuclear technologies to deliver a single new green watt of electricity before, let us say, 2025? We are promised a new nuclear power station by 2017. Well, if neither the Finns nor the French can do it, are we really going to do it? I cannot see that happening. Let us say that the first will come on stream in 2025; then we will have to wait for the replacements to be overtaken before we start getting the new nuclear electricity. When will that happen—in 2030 or 2035? This is not a solution to the problem that will arise if emissions have not peaked and then started to reduce by 2025, because we will then have to make 12 per cent. reductions every year. Nuclear does not help us get to the peak point and neither does CCS—although I admit that, given the Indian and Chinese contexts, we have to confront the need for CCS. However, I think we could leapfrog its use in this country, while possibly still developing the technology.

I had an exchange in the Environmental Audit Committee on Tuesday with some representatives of the CCS industry. I put it to them that they are playing a blinder on the Government. In the first phase of the EU emissions trading scheme, the power generators made billions of pounds of windfall profit from the ETS free allocation of credits. They did not spend a penny on CCS, yet now they come cap in hand to the Government asking for a few hundred million quid to bail them out and help them cope with that massive investment, which they say their shareholders cannot afford. I urge the Government to look very carefully at the power generators' arguments and to pin them down.

The same practice should apply to the nuclear industry. An excellent document called "Nuclear subsidies", which is available on www.nonukes.org.uk, reveals the full extent of the nuclear subsidies. One of the biggest is the industry's unlimited insurance, which the taxpayer would have to pick up if something went seriously wrong. However, if the nuclear industry had to pay for it itself, it would force the price of electricity up far beyond the highest price we are anticipating paying for the brand-new renewable technologies. As they are rolled out on a larger scale, the price of those technologies will come down and down, but that is not true of the nuclear industry, whose costs will go up and up—not just the cost of uranium, but all the other costs, not least the insurance and the extra costs of having to deal with proliferation.

In conclusion, the Government have shown leadership internationally. I, too, believe that they have a lot more to do on delivering concrete, practical examples of progress on the ground. It is wrong to suggest that nuclear power and CCS are panaceas, because even if they are supported, they cannot be introduced in time—at least, that is the view of the IPCC's 2007 report, which I am sure will be superseded by a 2011 report showing that things are worse. I plead with my Front-Bench colleagues: next time they have people from the coal industry, the nuclear industry or the power generators knocking on their door, tell 'em where to shove off.

2.55 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): May I draw the House's attention to my entry in the Register of Members' Interests? I wish to return to the theme of the £6 million advertising campaign on the television which shows a father reading bedtime fairy

[Mr. Peter Lilley]

stories to his little girl. I do not know whether it was a Freudian slip on the part of Ministers to plant in viewers' minds the suggestion that these alarmist stories that puppies would die, that baby rabbits would drown and that English towns would be swept away under water were fairy stories, but that is what they seem to have done. I say that because, although nobody in the House seems to wish to reflect on it, the fact is that fewer people in Britain than in any other country believe in the importance of global warming. That is despite the fact that our Government and our political class—predominantly—are more committed to it than their counterparts in any other country in the world. It is right and proper that we should reflect on that detachment between the people of this country and their leaders, and it is sad that those who have spoken in this debate so far have refused to do so.

The latest Pew survey—this survey is carried out across the world every year— shows that only 15 per cent. of people in this country take seriously, or are seriously concerned about, the prospect of climate change and almost half believe that nothing can be done. On the latter point, the corresponding figure worldwide is much lower—it is less than 40 per cent.—and on the former, the figure is much higher in most other countries, including the United States of America. Although my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) gave his customary attack on the American people for their obscurantism, he ought to reflect, as we all ought to do, on the fact that the British people rate the issue of climate change less seriously than even the American people do.

The second bit of evidence to cite is the exhibition that has been going on at the Science museum, which purports to give people the facts about climate change. At the end, people are asked to sign up; they are asked—yes or no—whether having heard the facts, they want to send the message to the Government that they must take serious action about climate change. People were responding to that survey after they had been through the museum and seen the graphic evidence presented in the most persuasive way possible by the alarmists. By a ratio of almost 6:1, the noes, who said that they did not believe in climate change and did not want to warn the Government, outweighed the yeses. Surely that, too, is something on which this House should reflect; I am surprised that we do not. Above all, the Government should reflect on why they have been so singularly incapable of carrying the British public with them and why their arguments have cut such little ice—I hope that I may use that phrase.

Mr. Graham Stuart: I did not know about the Science museum numbers, which are truly shocking. Does my right hon. Friend agree that that illustrates that preaching at people, trying to be divisive and trying to pretend that anybody who disagrees or who has any doubts or scepticism should be treated as though they are fundamentally and obviously wrong, is counterproductive? We need to engage in constructive discussion and dialogue with everyone and not to preach. That will carry more people over to accept the risks, as I see it, of climate change, on which my right hon. Friend's views might be slightly different from mine.

Mr. Lilley: My hon. Friend makes a very good point. The alarmism and the overstatement have caused the problem. As a group of scientists, including the former chief scientist, have recently warned, alarmist overstatement—a refusal to acknowledge the difficulties and uncertainties—is bad for getting the message over and has a counterproductive effect.

When I raised the matter with the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz), he said—as did other people who prompted him—that it was all because of people like me. I would love to believe that I and a handful of others had such silver-tongued eloquence that we were able, with the minimal exposure we are given, to have converted the British people to a degree of scepticism. I do not want to convert them to scepticism about the science. The science is not a fairy tale. The basic science is that if the amount of CO_2 in the atmosphere is doubled, before the feedbacks are considered, that will increase the surface temperature of the atmosphere by 1° C. That is the scientific analysis that any physicist will support. If that higher temperature were to result in more water vapour in the atmosphere, which it does not seem to have done, that would raise the temperature by another 2° C. A doubling of CO_2 could have the direct greenhouse effect of raising the temperature by up to 2° C.

The Government and the alarmists have to concoct a lot of feedbacks that so far have not manifested themselves to predict that in future we will see far higher rises in temperature from a given increase in CO_2 than we have in the past. I am neither a denier of the science nor an alarmist. I am a lukewarmist, if one likes—

Colin Challen: That makes a change.

Mr. Lilley: It does. It is unusual for me—

Frank Dobson: You are a global lukewarmist.

Mr. Lilley: I am a global lukewarmist, and I take seriously—

Mr. Gummer: A sort of sceptic, really.

Mr. Lilley: A sort of sceptic, yes. Unlike my right hon. Friend, who is simply credulous.

A lot of fairy stories are attached to and latched on to a genuine scientific concern. The first fairy tale, which the Government foster, is the idea that there is total consensus in science at the alarmist end of the spectrum. The key to the science of global warming and climate change is physics. One can study the physics of global warming without having much knowledge of meteorology, but one cannot study meteorology without studying physics, someone said—and I do not repeat that just because I happen to have studied physics at Cambridge.

A recent controversy in the American Physical Society proves pretty clearly that there is no consensus among physicists, at least, about extreme versions of the theories. It was sparked off when the committee of the APS was persuaded by the great and the good to sign up to a statement that the evidence for the more alarmist views of anthropogenic global warming was

"incontrovertible…If no mitigating actions are taken, significant disruptions in the Earth's physical and ecological systems, social systems, security and human health are likely to occur."

The committee issued that statement without consulting the society's members, which sparked off a revolt, and 160 senior physicists—members of the American Physical

Society—wrote a letter publicly disowning that statement and suggesting that it should be replaced with a more moderate statement, saying that

"while substantial concern has been expressed that emissions may cause significant climate change, measured or reconstructed temperature records indicate that 20th-21st century changes are neither exceptional nor persistent, and the historical and geological records show many periods warmer than today."

It went on:

"Current climate models appear insufficiently reliable to properly account for natural and anthropogenic contributions to past climate change, much less project"

climate change.

The statement was signed by a lot of serious scientists. I am going to take the House's time and list some of them, but I shall read out only those who are professors of physics. They include the professor of physics at the university of North Carolina, the professor of physics at Rutgers university, the professor of physics at Princeton university, the professor and chair of the physics department at Bernadji state university, the professor of chemical physics at the university of Medina, the professor of physics at the university of California, the professor and chair of the physics department at the George Washington university, the professor of physics at the university of Rochester, the professor of engineering physics at the university of Virginia, the professor of physics at the university of Washington, the professor of physics at Santa Clara university, the professor of physics at Colorado state university, the professor of the physics of geological processes at the university of Oslo, the professor of the department of chemistry and physics at the William Patterson university, the professor of physics at the Ivar Giaever institute—who won the Nobel prize—and another professor in the university of Virginia's department of physics.

The list goes on: the professor of physics at the university at Hatfield, another professor of physics at Princeton university, the professor of physics at the university of Connecticut, another professor of physics from Washington and yet another from the university of Rochester, which seems to be a hotbed of scepticism. A professor of physics and astronomy—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This is taking quite a proportion of the right hon. Gentleman's speech. Perhaps it would be better to say to the House that the list will be available in Library.

Mr. Lilley: With your permission, Mr. Deputy Speaker, the list will be available in *Hansard*. I have only three more to go, but I want to point out to those hon. Members who say persistently that only a handful of mavericks disagree, that, in fact, a lot of serious professors at serious universities do so.

With your permission, Mr. Deputy Speaker, I shall add the last few: the professor of physics at the university of California, the professor of physics, astronomy and geophysics at Connecticut college, the professor of physics at Tufi's university, and the professor of physics at Midwestern university. There are rather more than I thought, I do apologise. The professor of physics—

Mr. Deputy Speaker: Order. Perhaps the House has got the idea, given what the right hon. Gentleman said was the point that he was trying to make.

Mr. Lilley: I shall pray you in aid, Mr. Deputy Speaker, when people say that there is only a handful of dissenters and that the science is settled. I am very grateful to you for giving me your authority to do so.

The simple fact is that the science is not resolved. A lot of serious scientists think that although there is a measure of impact—I agree with that—the alarmist views are not upheld by the science. A majority may well disagree with the scientists to whom I have referred—

Dr. Whitehead: More than a majority!

Mr. Lilley: More than a majority? You cannot have more than a majority, can you?

A majority may disagree, but my point is merely that there is dissent, that the science is not settled and that argument and debate go on. We should not pretend otherwise.

Dr. Whitehead: The right hon. Gentleman has read out a very short list, but does he accept that it would take several days to read out the list of people who have the opposite opinion about the science of climate change? Does he also accept that the whole idea of science is that it consists of hypotheses and disputes? There never is an absolute consensus, but is it not probably a good idea to take the advice of the large number of scientists who think certain things and have established a large amount of empirical evidence for, and understanding of, their hypotheses?

Mr. Lilley: When Einstein came out with his theory of relativity, the Nazi authorities in Germany did not like it because he was a Jew. They got 100 professors of physics—Germany's entire physics establishment—to sign a statement that he was wrong. He replied that if he were wrong, it would only take one to prove it.

In this case, there is a majority on one side of the argument, and a minority on the other, but it is clear that the science remains uncertain and open. That is all that I ask the hon. Member for Southampton, Test (Dr. Whitehead) to accept, and he should not pretend that there is unanimity where it does not exist.

The proper debate that we need about the subject will require openness and those who doubt what is said by one side to have the opportunity to try to replicate that side's arguments—that is normal in science. I hope that the Minister will tell us what is happening about the Met Office Hadley centre's refusal to publish the basic figures it has received from around the world that it uses to calculate its estimates of the rise in surface temperatures throughout the world. It was disappointing that the scientists initially refused to publish that material—although they made it available to scientists who agreed with them, they refused to give it to those who disagreed. The centre then gave as an excuse the alleged fact that there were confidentiality agreements with some countries that had given information, saying that it was therefore not at liberty to publish, and then refused to publish the confidentiality agreements or the names of the countries with which it supposedly had those agreements, and said that the agreements had disappeared.

If we are to have a sensible and open debate, people must have the opportunity to examine the facts and data, reproduce what others have done, and show whether or not that is replicable, as the case may be. I hope that

[Mr. Lilley]

the Minister will respond to this point in her winding-up speech; I tabled a question on the matter a while ago, so the answer must be at her disposal.

There are plenty of other fairy stories around, and I want to touch on the idea that a rise of 2° C would constitute dangerous climate change that we should try to avoid by spending unlimited amounts. That is a 2° C rise not from now, but from before the industrial revolution. We have already had a rise of 0.7° C, so it is being said that a further 1.3° C rise in world temperature would be dangerous. One reason why the ordinary public are in disbelief is because they spend their time looking for places that are 10° C warmer than here, not 1° C. The Minister was frightfully upset when I pointed out that the average temperature in north-east England was more than 2° C higher than that in Cornwall and asked whether it was dangerous for people to go from Newcastle to Newquay. We cannot pretend that comparatively modest changes to the temperature of the Earth will lead to Armageddon—they will not.

I hope that we will listen to those scientists, many of whom are in Government employ, who have warned against alarmist views, and that we will take a more consensual view of the basic minimum science that is agreed and open that up to debate and discussion, without trying to silence those who disagree by calling them "deniers" and equating them with holocaust deniers. As I said, I am not a denier—I am a lukewarmer—but even those who deny the existence of anthropological global warning deserve to be heard, just as the alarmists do, and it is sad that we have heard only one or two such views expressed in the House today.

3.13 pm

Nia Griffith (Llanelli) (Lab): I welcome the opportunity to speak in this debate, but it is important that we get on with action rather than simply talking. We might hear many fine words, but action will count in the end.

We understand the importance of working with other countries. I am sure that we have all heard our constituents ask, "What's the good of us doing anything if no one else does?" The climate change conference in Copenhagen will be crucial to efforts to get international progress. I am proud that our Prime Minister and Secretary of State have shown strong leadership.

Our Prime Minister's initiative in commissioning the Stern report led to helpful discussions that allowed us to pass the Climate Change Act 2008, which was a world first. Recently in the EU, he has also shown leadership on trying to take three practical proposals to the Copenhagen meeting: an EU contribution to help developing countries on mitigation and adaptation measures; an attempt to agree figures for international financial support; and an agreement that that support will be given immediately. Obviously, we need to be at the centre of the EU if we are to influence such decisions. We must ensure that we take the lead not only as the UK, but as the EU, which is influential in climate change discussions on the world stage.

I am very pleased to see that deforestation is on the Copenhagen agenda. It is difficult to believe, but the emissions from deforestation each year are equivalent to the emissions from 600 coal-fired power stations, so it is a major contributor to the loss of mitigation of climate change: in other words, we need to stop cutting down forests, and quickly. The answer is not as simple as going around the world telling other countries and local communities what to do, but we must avoid providing additional incentives for deforestation. We must ensure that it does not take place to fuel rich countries' greed—in particular, their greed for energy sources. I urge my right hon. Friend the Secretary of State to persuade international colleagues to agree to the Eliasch review's recommendation that credits for avoided deforestation be included on the international carbon market. It is difficult to work out what that means in practice, but it is important to provide incentives for people not to destroy the world's forests, which are so vital to combating climate change.

We have recently heard a good deal about the 10:10 campaign, and I congratulate hon. Members who have signed up to it, particularly the members of the Cabinet, who have all signed up to it. However, it reminds us that in 2005 I, together with several enlightened colleagues, signed up to the 25/5 campaign for a 25 per cent. reduction in emissions over five years. I am sure that many colleagues agree that the first part is easy, involving reducing waste, switching off unnecessary appliances, using low-energy light bulbs and turning down the heating. However, it then becomes more difficult. Moving on from waste, one has to think about more fundamental changes in lifestyle, including one's transport modes, holiday destinations and energy sources.

The same applies to Government action. We need more investment in public transport if we are to help people to cut down on individual transport use and to reduce their carbon footprint. We certainly need much more investment in renewable energy, so that, if we decide to fuel electric cars, we know that the electricity comes from renewable sources.

To deliver on climate change, strong Government leadership is essential; it cannot be left purely to market forces. We often demonstrate that leadership, but are then pilloried in the tabloid press—ridiculed for ideas that need to be implemented. A good example is some of their attitudes towards recycling schemes. We know why we need to recycle, but we encounter ridicule instead of sensible and constructive debate in some of our tabloids.

Simon Hughes: Does the hon. Lady therefore agree that it would have been helpful, first, if the Department for Transport had signed up to the 10:10 campaign, as the Department for Energy and Climate Change has, and committed itself to achieving those objectives; and, secondly, if the Government had not opposed the proposal two weeks ago?

Nia Griffith: The problem is that the 10:10 campaign represents a short time scale, and many spending plans are in place up to April next year and, indeed, beyond. We must address the question, what is a realistic time scale? We must also be honest about the things that we control and the things that private companies provide, which are not so easy to control. We must consider introducing carbon limits for procurement, and we must look at what the people from whom we buy goods and services, and the people who obtain franchises for services, actually deliver.

We have made progress on microgeneration, and we have certainly come a long way since my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) introduced his private Member's Bill several years ago, when hardly anyone had heard of microgeneration. However, there are still difficulties and we need to put things right so that people do not face questions about how to set it up and how to get on to the national grid. We have introduced the idea of using feed-in tariffs, but it is still not quick and easy for people to get sorted out.

We also need to consider permitted development on farms and in smallholdings. We might talk about a wind turbine on a house roof, but farm users have much bigger energy needs, particularly if they run dairy sheds, and it would be more practical if they were able to install the slightly larger wind turbines that provide for their needs. They should not have to go through a long and complicated planning process.

Mr. Graham Stuart: Does the hon. Lady believe, as I do, that legislators have a key role in holding Governments to account for the promises that they make? If so, what role has she played personally in holding this Government to account for their record at home?

Nia Griffith: One of the difficulties with planning is that it is a highly devolved issue. Much of the permitted development is discussed at local authority level, so that is where much of the emphasis has to be if we are to get this right. Some local authorities are way ahead of others in dealing with these matters.

We must remember how much we need to do in terms of adaptation. The draft Floods and Water Management Bill is now proposed for the Queen's Speech, and that will do many of things that we wanted following the Pitt report. Having seen the terrible pictures on television, we are all aware of how devastating flooding can be to people across the country, but apart from those high-profile cases, many of us know of more local places where flash floods have occurred and people have had to stay out of their homes for months. In a constituency such as mine, which is very low-lying and surrounded on three sides by sea, the whole issue of dealing with climate change is very real to people as they move out of their homes to have all the work done that is necessary after flooding. That is a gruesome reminder of how close we are to some awful effects of climate change.

We need to be sure that there is a truly concerted effort by all the agencies involved to protect people's homes from flooding so that we get better maintenance, more flood defences and much speedier action in emergencies. I welcome the measures in the Bill to secure better co-ordination between authorities. However, I am worried by the recent Wales Audit Office report stating that the Welsh Assembly Government are not spending enough money on flood defences. We need to take seriously the whole question of how we can make more funds available, so that people can be protected in their homes now.

Mr. David Drew (Stroud) (Lab/Co-op): Does my hon. Friend accept that there is an onus on individual households, perhaps working in communities, to take initiatives to mitigate the worst aspects of flooding? It has been disappointing to see the low take-up of measures introduced for that purpose. Government must pay attention to that, because flooding is a key feature of climate change.

Nia Griffith: Yes, indeed. It is easy to think, "What harm will one more garage or one more patio do?" but we need to be aware of the effects that we have collectively when we do these things. We must look for ways to mitigate those effects and try to reduce the amount of surface water that we contribute.

On the low-carbon economy, we all realise how important it is that we get ahead of the game and ensure that we develop low-carbon industries, instead of ending up importing things that could have been designed, developed and manufactured in this country. We must give clear signals to manufacturers about what we want. That was certainly the evidence put to us in the Committee on the draft Climate Change Bill, where manufacturers said, "You tell us the parameters, you tell us what you want, and we will deliver." We have to say what we want and set strict objectives, whether on emissions, fuel efficiency or producing electric cars, and manufacturers will respond.

On renewable energy, too, we cannot just leave things to market forces. We have to take a very proactive approach, and in particular not limit it to the easy-to-develop types of technology. We need to spend a lot more time encouraging and giving financial incentives to develop some of the more difficult renewables, such as the use of marine current turbines under the sea or other methods of harnessing water energy. We have tended to see things simply in terms of wind or solar and have not developed water, of which we have a huge resource in this country.

The beginnings of the industrial revolution came from water mills. We must look carefully at what we could do in harnessing a lot more of what we might call mini-hydro on many of our rivers. Some very small mini-hydro projects run into trouble because of various rules on water extraction. The Environment Agency tells people that they cannot do this or that, but it is important that we consider what can be done to enable people to develop mini-hydro projects, perhaps by increasing water capacity so that they are not seen as destroying the environment. Essentially, all they do is take water out and then put it back; the difficulty is the level that it goes down to when it is taken out. I am sure that more help could be given to people to overcome such small, technical problems. Once the resource is established and the system is in place, it can run for ever.

We must ensure that we give full encouragement to a full range of renewables, but we also need to decide how many of each facility we want. One problem with our planning system is that there can be applications all over the country, but people have not added up the sum total of what they will lead to. One example is biomass plants: many people are racing for them, but I ask whether we have enough biomass to fuel a large number of plants.

If it is simply a matter of sweeping up sawdust and using the rough materials that we can provide in this country, that is one thing. However, if we are not careful, we will end up competing for precious forest products from across the world, which makes no sense at all, given the problem of deforestation. Sadly, people are not as honest about sustainability and replanting when they are anxiously trying to get a biomass plant so

[Nia Griffith]

that they can access the funding that is available for renewables obligation certificates. We need to examine the overall strategy for the whole country and ask whether we are getting the numbers right on the availability of biomass.

In an ideal world, perhaps we would like to give up using fossil fuels, but we have to be honest and say that currently 70 per cent. of our electricity comes from such sources, whether coal or gas. It is not realistic to want to throw fossil fuels out of the window just like that. We need to develop clean coal and carbon capture technology, because if we are to rely on coal for some considerable time to come, it makes sense to use our indigenous coal as cleanly as we can and put carbon capture measures in place. It is absolute madness to import coal or use enormous quantities of vegetation when we have a compact form of fuel in our coal. We need to consider what to do to encourage deep mining, now that Tower colliery in south Wales and others have closed. That requires more investment, or we will be left with a simple situation in which people go for open-cast mining, with its unpleasant environmental impact on local communities.

I wish my right hon. Friend the Secretary of State all the best in securing a strong agreement at Copenhagen. I look forward to supporting him in driving forward a strong agenda for tackling climate change, and particularly developing renewable energies and providing further investment in public transport.

3.28 pm

Mr. Mike Weir (Angus) (SNP): I am glad to be able to contribute to the debate. Few Members are in any doubt about the reality of climate change and the dangers that face us all. The UN Intergovernmental Panel on Climate Change has produced a model of what would happen by 2080 based on a "business as usual" scenario, and it is frightening. There would be huge changes in the world. We are already seeing changes, and they are having an impact even on us and our budgets.

I recently chaired a statutory instrument Committee on increased funding for the Caribbean Development Bank. The Minister of State, Department for International Development, cited the reason for the increase as being to deal with the effects of climate change, particularly given the increasing number and effect of hurricanes. That is one example of the impact that it is having on our budgets.

We do not need to speculate about what might happen. We can see in other areas of the world that climate change is already having an impact. The right hon. Member for Holborn and St. Pancras (Frank Dobson) spoke movingly of the situation in Bangladesh and the terrible floods there. Even in my area, although I would not claim that it is equivalent to that, we have seen terrible flooding over the past week, which was perhaps at least partly due to climate change. That brings home the costs of adaptation. There are various schemes in my neck of the woods for dealing with flooding from our rivers, but if we were to undertake all the schemes that are necessary, the cost would run into billions of pounds in Scotland alone. If we add those things together, we see the huge amounts of money that are required.

Given that background, it is abundantly clear that action needs to be taken. To coin a phrase, we are all in this together, and action has to be taken on a co-ordinated, international basis. The Copenhagen conference must come up with a good deal. As I have said, I agree that it should not be a deal at any price. A deal that avoids committing the world to real action to combat climate change may be worse than no deal at all, as it would give many a false sense of security that something is being done when it is not.

Like others who have spoken in the debate, I am becoming increasingly pessimistic about the prospects of getting a good deal at Copenhagen and, as I said in interventions on the Secretary of State and the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz), I am also concerned about the impact on people in this country of the failure to get such a deal. We have to fight on two fronts: we must not only secure the deal in Copenhagen, but convince people in this country of the need to tackle climate change.

The hon. Member for East Surrey (Mr. Ainsworth) quoted Rajendra Pachauri, the head of the IPCC, as saying:

"Science has been moved aside and the space has been filled up with political myopia with every country now trying to protect its own narrow short-term interests."

However, the IPCC head went on to say:

"They are afraid to have negotiations go any further because they would have to compromise on those interests."

That is worrying, because if we go into Copenhagen with each country simply trying to protect its interest, we will get absolutely nowhere, as others have said, and we are facing a very real problem.

There is also the problem at home. I do not often agree with the right hon. Member for Hitchin and Harpenden (Mr. Lilley), but he made a good point about the number of people in this country who agree that there is a need to take action. Many Members will have received when preparing for this debate an e-mail on the HSBC climate confidence monitor. According to its figures, overall in the world,

"65 per cent. of people believe a new international deal to cut emissions is 'very important'....79 per cent. of people want to see a commitment at Copenhagen that 'meets or significantly exceeds' a 50-80 per cent. cut in emissions by 2050"

and

"69 per cent. of people agree that addressing climate change is at least as important, if not more important, than supporting their national economy during the downturn."

That is all very well and good, and perhaps quite encouraging, but the e-mail goes on to say:

"In the UK, however, we still have a significant amount of work to do to convince the public that solutions are possible. Whilst those surveyed for the Monitor in developing countries are calling loudest for strong action on climate change, the UK scored highest across the world for those who believe climate change cannot be stopped (53 per cent.)".

That is not to say that people in the UK do not understand that there is a problem, but they are sceptical about our ability to deal with it. Ministers and all hon. Members should find that statistic very worrying indeed, because we need to take people with us if we are going to tackle climate change.

Mr. Graham Stuart: We need not only to take people with us, but to come up with a credible plan that suggests that the world is capable of making the

transformative reduction in CO_2 emissions. At the moment, no such credible plan exists, so if people are sceptical about our ability to deliver, that is right and proper. It is for those in the House and elsewhere to come up with more credible plans.

Mr. Weir: The hon. Gentleman reads my mind to some extent—that is what I was coming to.

The danger is that if we go to Copenhagen and come away without a plan, scepticism, and the sense that climate change is inevitable and that there is nothing we can do to stop it, will increase. Because we have spent the past couple of years or so telling the general public that something must be done, we must get this agreement. The Prime Minister said not so long ago that we have 50 days to save the planet, if I remember correctly. Much of that is true, but what will be the impact on the general population of this country if they see that the politics is not keeping up with the science and that we are not taking it seriously enough to ensure that we reach a deal that will tackle these matters?

I raised that point with the hon. Member for Edinburgh, North and Leith when he talked about the activist base—those people who are very engaged with the issue and send us postcards and so on. We all have such constituents, and some of them send postcards from several different organisations at the same time. However, we have to remember that the very engaged are just a small segment of the population. Many of our constituents may have an idea that climate change is a problem, and may do a bit here and there, but they are not that engaged. The impact on them of a failure to reach agreement at Copenhagen deeply worries me.

If, after Copenhagen, we end up saying, "Och well, it was just a step in the right direction. It was a window of opportunity, but we will have another conference in three, six or 12 months", the message will be that climate change is not such a great problem. People will think, "It's not all that dangerous, we can afford to spend more time before we reach a deal." I do not think that we can—we need to take action now. The hon. Member for North Southwark and Bermondsey (Simon Hughes) made a very good point with his t-shirt from the Youth Parliament. If we are talking about targets for 2050, that is a very long way away, and very few of us will still be—to put it politely—active in politics then. Even interim targets for 2020 represent two Parliaments into the future before we have standards to move towards.

We have to think about the impact of failure at Copenhagen on ordinary people, as well as on activists. The Secretary of State rightly made the point that we must make the issue of jobs and the green economy central to our argument. That is another way to make the issue relevant to ordinary people and to show that it is not just about science and warming, but about how we change our economy, create jobs and come out of the current recession.

One example of what can be done is happening in my area. The Crown Estate has recently awarded exclusivity agreements for offshore wind farms. There are four off the east coast of Scotland: Inch Cape, Bell Rock, Neart na Gaoithe and the Forth Array. Altogether, 10 are planned, which will create some 6,500 MW of renewable energy. As I pointed out at questions this morning, Siemens and Vestas which manufacture wind turbines say that the construction phase creates 3,000 jobs for every gigawatt of wind energy. That is a tremendous opportunity to create new jobs. In my area, the ports that formerly served the fishing and oil industries are becoming very interested, because they can see the opportunity to diversify by servicing wind farms. We debated the Select Committee's report on the oil and gas industry last week in Westminster Hall, and we made the point that it has a huge opportunity to diversify into offshore renewables. Given how many jobs could be involved, we can do a lot to show ordinary people the relevance of tackling climate change.

There is also a slight problem. Two of the new offshore wind farms—Inch Cape and Bell Rock—are directly off my constituency. The Crown Estate announced the exclusivity agreements back in February, but I was inundated a few weeks ago by fishermen from Arbroath, who came to see me en masse because the proposed Bell Rock wind farm is in their fishing grounds. They were worried that they would no longer be able to fish in the area. That is not the case, and the area is not to be closed off for the wind farm. However, there is sometimes a lack of communication between those developing renewables and those who might be affected by the impact.

As it happens, I have introduced the fishermen to the developers. They are now talking, and I am certain that we will get an agreement that prevents the farm from impacting on the fishermen. However, we have to be careful that we do not get into the situation with offshore wind that we got into with onshore wind, where there was almost a knee-jerk reaction against any proposed wind farm. We need to be careful in the way we go about offshore wind.

I urge Ministers to go for the strongest possible scheme at Copenhagen. I believe that we need to agree a scheme to reduce emissions by 80 per cent. by 2050, but more than that we have to show that we are serious about committing to a reduction of at least 40 per cent. by 2020. Frankly, as far as I can see, the omens are not good. Although the United States is finally moving through the efforts of President Obama, as it has been noted, a version of the US Bill has passed the House of Representatives but not the Senate, and it will not have been passed come Copenhagen. It is very unlikely, therefore, that the United States will be in a strong negotiating position at Copenhagen. Without the States, things look bad indeed.

The Scottish Parliament has also produced ambitious climate change legislation. We should not think that only this place is involved. The devolved Administrations also have a say in the matter for their own areas in producing climate change legislation. In Scotland, we have a statutory target to reduce greenhouse gas emissions by at least 80 per cent. by 2050, including emissions from international aviation and shipping, and an interim target of 42 per cent. by 2020. We have pledged to establish a framework for annual targets, because 2020 is two Parliaments away and we have to find a way of establishing how we are getting along. Along with the draft budget, the Finance Secretary, John Swinney, has produced a carbon budget. Crucially, an attempt is being made in that budget to calculate the emissions for which Scotland is responsible from goods manufactured outwith Scotland. That is also part of our true carbon footprint. We have to take that into account.

[Mr. Weir]

I will not pretend that meeting those—or any—targets will be easy. Again, I return to my main point: we have to take people with us. We will have to explain exactly what it means to meet the targets. The hon. Member for Llanelli (Nia Griffith) said that individuals have to make a lot of changes. That is why 10:10, and other such campaigns, are so important. They give guidance and help people to make the small changes that will add up to meeting our climate change targets. The ease with which we can reduce our emissions by 10 per cent. over the next year depends on where we start from. Some of us might find it quite difficult; some might find it quite easy. However, if we all make the effort, we will get there.

I end on a perhaps more controversial note. I have talked about the devolved Administrations and what they are doing to try to make reductions. The Minister talked about the need for everyone to come together and show leadership, so I find it very strange that the Government are not prepared to have representatives from the devolved Administrations on the delegation to Copenhagen. A Scottish Minister could help. The Scottish climate change legislation has been welcomed by the Government of Maldives, the President of Ethiopia and others who are directly affected. It is a great shame that the Government will not be inclusive and take a Scottish Minister to Copenhagen as well.

3.44 pm

Clive Efford (Eltham) (Lab): Like many who have spoken today, I think that climate change is the most important issue confronting politicians of our generation, notwithstanding the speech by the right hon. Member for Hitchin and Harpenden (Mr. Lilley). I am not sure whether his point was that climate change is not occurring or, if climate change is not the fault of the activities of human kind, that we should perhaps leave it to the polar bears to sort out. However, the problem is there for us to confront as politicians, regardless of its source.

I accept the point about public opinion. I have seen opinion polls suggesting that the issue has never been lower down people's lists of priorities in the past 10 or 15 years than it is now. However, we still have a duty as elected representatives to address it and ensure that we try to educate people and take them with us.

As hon. Members have said, we have benefited from nearly 200 years of economic development based on a carbon economy. The heaviest consequences of that are now weighing very heavily indeed on the developing countries. I attended a symposium organised by Lord Nicholas Stern in the House of Lords a couple of weeks ago. Lord Martin Rees, the chairman of the Royal Society, made the point that an increase in the average global temperature will not affect everybody equally in each country or on each continent. An increase of 4° C, which is not the worst-case scenario, but the upper limit of what it is hoped climate change can be limited to, would mean a 10° C increase in the average temperature in Africa. We therefore have a moral duty to address the issue, as much as anything else.

An international agreement is essential. I would like genuinely to commend the Prime Minister on his activity on the issue and on his determination to get other international leaders to address it, including by turning up at Copenhagen and reaching an agreement. Without that, we will not achieve a framework to take us forward that seriously addresses the issue.

Mr. Drew: Climate change affects us all, because the greatest change in Africa now is mass migration, which is not happening just within Africa, but will affect the entire western world. Does my hon. Friend agree with that?

Clive Efford: Absolutely. My hon. Friend makes a point that everyone would accept and agree with.

I shall risk being partisan for a moment, but I want to say to the Conservative party that whoever wins the next general election will have to deal with the issue. In order to do that, whoever wins will have to maximise their influence in all the major debating forums, including the EU, the UN, the G20 and wherever else the issue will be discussed. Placing yourselves at the fringes of the European Union, in the way that you have in your party grouping, is not—

Mr. Deputy Speaker: Order. The language that the hon. Gentleman is using would appear to involve the Chair. I think that he is referring to hon. Gentlemen on the other side of the House from himself.

Clive Efford: I apologise, Mr. Deputy Speaker. I have been here long enough to appreciate that I should not use the second person.

Having placed themselves where they have, the Conservatives will not be in the vanguard of those debates. In fact, people who are concerned about the issue will be alarmed that they have aligned themselves with people who deny that climate change is even a problem. The Conservatives may have concerns about the European Union and this country's association with it, but I would suggest that it is not in this country's best interest for the Conservative party to pull its Union Jack underpants tight up under its armpits and march off into the wilderness when the rest of us will be debating those important issues. I urge the Conservatives to consider the position that they have adopted because, should they ever—God forbid—find themselves in Government, they will have to represent this country in debates on this matter, and they will not be able to do so from the fringes of the European Union on which they have placed themselves.

The right hon. Member for Suffolk, Coastal (Mr. Gummer) mentioned hydrofluorocarbons earlier, and I have also discussed them with my hon. Friend the Minister. If I were to recommend to her a way of cutting 10 per cent. of our carbon emissions, I am sure that she would be interested, and that is exactly what we could do if we cut the use of HFCs. They now constitute about 2 per cent. of our global warming emissions, but their use is projected to grow by 3 per cent. a year. By 2050, they could represent more than 12 per cent. of this country's emissions. If we address this important issue now, we could head off the catastrophic consequences of the continued use of these gases.

HFCs came into widespread use to replace chlorofluorocarbons—CFCs—under the Montreal protocol, which addressed the issue of damage to the ozone layer. I understand that amendments are to be tabled to that protocol to bring HFCs under the same regime, and that the Government are proposing

amendments calling for a reduction in the use of HFCs through the prevention of leakages, and for the promotion of energy efficiency in the equipment that uses HFCs. Those are desirable aims, but, in the long term, they will not solve the problem of the growing use of those gases.

The Government's proposals are good for the short term, and they represent an excellent interim measure, but we need to act on them now. I have met the Minister to discuss this, and I have been told that an argument against the UK regulating in this area is that we would come up against EU competition rules. I have worked with the Environmental Investigation Agency, which has recently produced a report on the use of HFCs in supermarket refrigeration units, and the progress of that industry towards eradicating their use. The agency has also met representatives of the European Commission to discuss this, and it says that the Commission would welcome action in this area, and that European competition rules would not stand in the way of the UK's regulating in this matter.

I urge the Government to take action on HFCs not only because eradicating their use is the right thing to do but because regulation can create a framework in which change can be brought about. An example that I would offer to the Minister is that of the introduction of catalytic converters into vehicles. Arguments against that included the suggestion that it would impose unacceptable increases in cost, which would make cars too expensive. The arguments were eventually overcome, and catalytic converters were introduced into cars with minimum impact on the industry, and certainly with minimum impact on the cost of cars to the consumer.

Mr. Gummer: Does the hon. Gentleman not find it surprising that large numbers of big companies have been perfectly prepared to sign up to not using HFCs? There are no sectors in which HFCs are necessary, and they could all be got rid of without much difficulty. The British Government have in the past voted against banning them, which is a rather serious matter. Would it not be a good idea if they got rid of all these bits and pieces and, instead, stood up and said, "We will encourage a ban on HFCs by the year 2013"?

Clive Efford: I accept some of what the right hon. Gentleman says. Some uses of HFCs will need to continue, but they are minimal. I definitely agree with the right hon. Gentleman in saying that this should not be used as a smokescreen for encouraging general use of HFCs or to prevent the Government from regulating. The supermarkets are responsible for about 50 per cent. of HFC emissions, while refrigeration units are the major source of HFCs in the country, so regulation in respect of that would be very welcome, even within the industry itself—indeed, the industry has said that it wants such regulation.

As the right hon. Member for Suffolk, Coastal pointed out, some large companies, including Unilever, Coca Cola and McDonald's have said that they want to stop using HFCs, so there is already a great deal of interest within the industry in such a change. The major UK supermarkets say the same, but make the point that, in order to make progress, they need a level playing field. This is a highly competitive market, in which the supermarkets are always looking over their shoulders to gain a market advantage over one another. They argue that were there a regulatory framework within which they all had to operate, they would be able to make progress, because they would then know that their competitors would have to act in exactly the same way.

We need a regulatory framework and investment in research and development to tackle this issue. In turn that provides an opportunity for our industry, as we could help to develop the new green technology required.

We must also train the technicians. The technical change involved in moving from CFCs to HFCs was minimal, but using carbon-based gases, which do not have the capacity to add to global warming, as refrigerants will require people to be trained to use different equipment. That said, none of those problems is insurmountable.

The agreement that has been secured between the industry itself and those campaigning against HFCs should provide an opportunity for the Government to act to cut the use of those gases, which are up to 20,000 more potent in terms of global warming than CO_2. The fact that their use is increasing at 3 per cent. a year should provide a wake-up call to us all. I believe that the Government should take the supermarket industry at its word and regulate. They should set a date, as the right hon. Member for Suffolk, Coastal suggested, to eradicate usage of HFCs in supermarket refrigeration units. That date should not be too distant, but 2012 or 2013, as the right hon. Gentleman suggested.

In conclusion, I wish the Secretary of State and, indeed, my right hon. Friend the Prime Minister every success in the Copenhagen discussions and I hope that HFCs will feature in them. I note from Tuesday's edition of *The Guardian* that Rajendra Pachauri, head of the Intergovernmental Panel on Climate Change is quietly confident that something will eventually come out of the Copenhagen discussions, and I sincerely hope he is right. If the Minister of State is concerned about her carbon footprint, I nevertheless urge her to continue with one important part of her activities—the burning of the midnight oil to ensure that we reach an agreement at Copenhagen. I urge her and other Ministers to be bold, as others have suggested. Some things that might have been thought unthinkable in the past must become thinkable at Copenhagen, particularly if we are to avoid going down as the generation that fluffed it by failing to take the necessary action to protect future generations from the worst effects of climate change. I wish all Ministers every success at Copenhagen.

3.59 pm

Mr. Graham Stuart (Beverley and Holderness) (Con): It is a great pleasure to take part in the debate, and to follow the hon. Member for Eltham (Clive Efford), who made a passionate and well-informed speech about the need for the Government to do more about HFCs. I entirely agree with him, and he has cross-party support for his call for greater action and urgency than we have seen from the Government to date.

I intend to speak about China, Global Legislators Organisation for a Balanced Environment—GLOBE International—and climate change. In the context of climate change, China is often portrayed as a large, irresponsible polluter, as a country that will not come to the table, and, along with the United States, as the chief barrier to international progress on action on climate change. The question that logically follows that portrayal is, "If China—coupled with the United States—is

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unprepared to take real action, why should we, a country whose emissions amount to only 2 per cent. of the global total, need to take action ourselves?"

My engagement with Chinese legislators through GLOBE, an international cross-party group of parliamentarians from the major economies, has revealed that that perception of China is far from the truth. If anything, it is we who are in danger of being left behind in the race towards a more prosperous low-carbon future and the new jobs and industries that it will bring, to which many hon. Members referred.

Using some indicators, one could be forgiven for thinking that China is the developed country and the United Kingdom the developing country when it comes to tackling climate change. The Minister may smile. For many years she campaigned for greater action from the Government, and she now finds herself in the unenviable position of having to defend the indefensible from the Front Bench. However, I know that she and her colleagues —including, I hope and believe, the new Secretary of State—are bringing greater urgency to the necessity for Britain to take action at home as well as talking so ably abroad.

Let us look at the figures relating to renewable energy. In 2007, 8.5 per cent. of the total consumption of primary energy in China came from renewable sources. In the United States the figure was 7 per cent., and in the United Kingdom it was just 2 per cent. The figures for electricity production make similar reading: 15 per cent. in China, 8.5 per cent. in the United States, and just 4.9 per cent. in the United Kingdom. The source of those figures is the Department itself. For a country with some of the best renewable resources in Europe, including wind, tidal and wave, the United Kingdom's progress—to put it kindly—looks weak.

Let us now look at the amount invested in green technologies as part of the economic stimulus packages, which offer a real opportunity to ensure not only that money flows in the economy but that we prepare for a low-carbon future. In China, the figure devoted to green technologies, including clean energy, low-carbon infrastructure such as smart grids—who would have thought that China, a developing country, might be making more progress than us on smart grids?—electric vehicles, public transport networks and the like was 34 per cent. In the United States, it was 12 per cent. Those are the figures for the two "laggards", but the figure for the United Kingdom was just 7 per cent. That is not exactly something of which we can be proud.

Mr. Gummer: Is not the United States figure even higher? Many of the green issues are separate from the rest of the package. The total figure is actually close to 30 per cent. The real laggard is the United Kingdom.

Mr. Stuart: I am extremely grateful to my right hon. Friend for correcting me. That helps to put in context the fact that, while in international climate negotiations and diplomacy Britain has taken a leading role of which it can be proud, when it comes to our domestic performance, again and again we lag behind the countries that are typically portrayed by many as the barriers to progress.

There is no point in just talking. We heard a reference to cobra-like speed on one hand and a sloth-like performance on the other. The reality is that we are a tiger when it comes to talking about climate change abroad, and a sloth when it comes to implementing changes at home.

Chinese cars have already reached the level of efficiency that the United States has set as its target for 2016 under President Obama's newly established fuel economy standards. Of course, if one were to take into account measures to control population—a significant factor in determining future emissions trajectories, notwithstanding the Secretary of State's rightful point that growth in incomes can be a contributing factor to controlling populations—the Chinese are estimated to have averted 300 million births since the 1970s, perhaps using methods that we would not universally support, thus saving an estimated 1.3 billion tonnes of CO_2, which is equivalent to the entire emissions of Japan.

When one considers the relative capacities to act on climate change—a factor that is quite rightly a central principle of the UN framework convention on climate change—the Chinese actions look even more impressive. China's GDP per capita is about $6,000. In the US and the UK, the figure is about $45,000. CO_2 emissions per capita are under 5 tonnes, against almost 10 tonnes in the UK and 19 tonnes in the US. Moreover, since 1990, which we can perhaps mark as the date when the world finally accepted the problem of man-made climate change, the UK has emitted four times more CO_2 per capita than China.

Clearly, China has a particular responsibility on climate change because it has a population of 1.3 billion—about a fifth of global population—but I firmly believe, having visited China with the Environmental Audit Committee, as well as meeting legislators, that China understands climate change better than most Governments around the world. It understands that it will suffer hard in an insecure climate, and it is doing all that it can to mitigate its impact on the climate within the constraints that it faces. As I mentioned in an intervention, 250 million people live on less than $1.50 a day in China. Those people are in abject poverty—nothing relative there—and China's focus is rightly on reducing poverty, but its efforts to date deserve praise, especially given the context in which it operates.

Dr. Whitehead: I am listening to the hon. Gentleman's speech with interest. I very much agree with a lot of what he says about the changing commitment in China and the progress that has been made. However, does he have any figures on the number of local authorities in China that have turned down renewable energy applications? Assuming that he does not conclude that such applications are widely turned down, does he think that perhaps command economy methods to introduce renewables should be adopted in the UK?

Mr. Stuart: I am grateful to the hon. Gentleman for being true to the Maoist or Stalinist past that he doubtless has—the attraction to the left in this country of the command economy of communism in full flight is enormous. I do not know the numbers on local authorities turning down such things. The Chinese have introduced incentives for those who run provincial areas not only on economic growth, but on decarbonising their GDP growth.

The hon. Gentleman, like so many people from his political tradition, regards any resistance from people as best overcome by further diktat from the centre,

further driving things down. As ever, they want to characterise anyone who does not like the impact of their centralising measures on their local area as necessarily dinosaur opponents who must be ridden roughshod over. That is why he doubtless supports setting up the new quango to dismiss local people's views. That is typical of the left. I fundamentally believe that he and the Government are wrong to believe that central diktat will lead to more wind farms.

As one Labour Member rightly said, we need greater community control and ownership of assets. We need to let communities feel that they are empowered to decide where wind farms are built. We need to consider the incentives that local communities have to allow wind farms to be built. If we use incentives, listen to people and treat them with humility and respect, instead of having arrogant centralising power, we will find that we have more wind turbines, both on and offshore, than under the current procedure, which leads to the increasing alienation certainly of my constituents, who feel that their words are not listened to because people above them think that they know so much better. That is not the way to get more wind turbines, and the people will eventually slow things down. My point is that we achieve more with honey than with a stick, if I may mix my metaphors.

Dr. Whitehead: Does the hon. Gentleman agree that he might well have missed a hint of irony in my previous intervention.

Mr. Stuart: I must ask for the hon. Gentleman's forgiveness; I apologise for failing to pick that up, but it is so rare that I pick up irony from any Member of his political tradition. *[Interruption.]* My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) says that what we need is bribery. Bribery is, perhaps, not the right word, but if we want renewable energy we do need to look very hard at incentives. Renewable energy can have negative impacts; a lot of people do not like wind turbines, for instance, and they are perfectly free to hold that opinion. If we want people to have things they do not necessarily like, we need to ensure that incentives are in place—or bribes, if that term is preferred—so that they then want them and compete for them because they recognise the benefits to their area and judge that, on balance, they should have them. *[Interruption.]* My right hon. Friend mentions the French system. He applauds it, of course, but I am less sure about its dirigiste nature. However, the French may be dirigiste, but they buy people off as well, so I will take that as a good point.

I was about to mention China's engagement in GLOBE International forums. Its engagement has been led by Congressman Wang Guangtao, chairman of the environment and resources protection committee in the National People's Congress. He previously served as construction Minister and the deputy mayor of Beijing. I believe he was also formerly close to the Deputy Prime Minister of our country, which is, as far as I can see, the only blemish on his record. Wang was the architect of China's climate change legislation and drafted the recent resolution on climate change that was passed by the NPC's standing committee in late August. It received very little attention, but it is a very bold document and states how central climate change is to Chinese development.

Under the auspices of the GLOBE International commission on climate and energy security, Congressman Wang, together with US Congressman Ed Markey, drafted a set of legislative principles on climate change. Those principles were adopted by consensus at the recent GLOBE Copenhagen forum, which took place in the Danish Parliament, the Folketing, on 24 and 25 October.

More than 100 legislators from 16 Parliaments of the major economies—Brazil, Canada, China, Denmark, the European Parliament, France, Germany, India, Italy, Japan, Korea, Mexico, Russia, South Africa, the UK and the United States—endorsed a report that showed that legislators do not need to wait for a post-2012 framework to take action in their respective countries and to set us on the path to a low-carbon economy. The report showed that up to 70 per cent. of the emissions reductions needed under a scenario that would give us a reasonable chance of limiting the global average temperature rise to 2° C can be achieved through five policy levers that legislators have access to now: renewable energy, industrial energy efficiency, buildings and appliance standards, fuel efficiency and fuel standards, and forestry.

Congressmen Wang and Markey have led the way by passing climate change legislation consistent with those principles in the Chinese NPC and the US House of Representatives—regardless of the challenges that remain to getting such legislation through the Senate—and all other delegations at the GLOBE forum gave a commitment to advance the legislative principles in their domestic Parliaments, as I am partially seeking to do today.

I raised the legislative principles with the Prime Minister directly at Prime Minister's questions last week, and I am grateful to him for agreeing to meet a cross-party delegation, as has the Secretary of State today. The Brazilian delegation is meeting President Lula on 11 November. The Danish delegation has already met the Danish Prime Minister.

This House was the first legislature in the world to pass climate change legislation including quantified emissions reduction targets, but so far the actions of legislators in the major emitting economies have not been joined up. If legislators were to move forward using a common set of principles, our actions would be magnified, competitive distortions would be minimised, and we would give Governments and leaders the confidence to go further and faster in the final negotiations at the UN, the latest round of which will take place in Copenhagen in December.

The role of legislators is crucial in tackling climate change; after all, it was legislators in the US Congress who stopped any chance of the Kyoto agreement being passed. If Governments do not carry their legislators with them, they will not be able to carry forward change. Although it is important that we do not just talk to each other, as my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) said in a useful and interesting contribution for which the House should be grateful, we do need to carry the people whom we represent with us, and we should not assume that they necessarily agree with the consensus in this place.

In the couple of minutes remaining to me, I wish to comment on a couple of other points. There is no pathway to the position that we all want to see in 2050 without using carbon capture and storage, because of the nature of the coal industry in China, India, the United States and the UK. I put it to the Minister that

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progress in this country has been painfully slow. In 2003, the Government said that action on CCS was urgent, yet we now find ourselves with a programme to have demonstration projects for CCS without being certain about the numbers—they have yet to be clarified. The idea is that the first project will be up in 2014, but that looks increasingly unlikely because of Government delay. I hope that she will look to move further and faster on CCS.

CCS offers not just an interim technology to deal with coal before we come up with cheaper, clean alternatives, but it is one of the few realisable technologies to reverse some of the emissions into the atmosphere. The combination of biomass and a CCS-enabled plant would provide the opportunity to reverse emissions from some of our electricity—and, possibly, heat—generation. Thus, CCS offers a real opportunity. Given that Britain has some of the biggest oil companies in the world, has the experience of working in the North sea—and has that sea just sitting there—and has some of the largest engineering consultancies in the world, it has a special opportunity to lead on CCS. I am afraid that we are giving that lead away because of inaction from the Government. If this Government do not act, I hope that an incoming Conservative Government next year—if that is what we have—will take quicker and more urgent action.

Like other speakers, I wish the Secretary of State and the Ministers in the team that goes to Copenhagen the best of luck in finding an agreement that is both realistic and binding—if not in December, at least shortly thereafter. We need something strong to send a signal and get the investment that we need to clean up our emissions path.

4.17 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I have been both encouraged and dismayed by this debate. I was dismayed when the right hon. Member for Hitchin and Harpenden (Mr. Lilley) repeated, yet again, the canard that because not all scientists agree with everything about all aspects of climate change, the debate is uncertain, undecided and open. A consensus does not mean that everyone has to agree. As we can see in this Chamber, there is a very encouraging consensus about the need for action on climate change. There is a consensus of strong support and good wishes for the actions that our Government will be taking to ensure that the best agreement that can be reached at Copenhagen is reached. Of course, not everyone in this Chamber has absolutely to agree for there to be a consensus—we have heard that that is the case this afternoon.

One of the more encouraging aspects of this debate came when the hon. Member for Tunbridge Wells (Greg Clark), speaking on behalf of the Opposition, emphasised the importance of the Copenhagen agreement as a key moving point in world action on tackling climate change. He likened it in some ways to the Bretton Woods agreement immediately after the second world war, and quoted what John Maynard Keynes said before that conference. I remind the House and the hon. Gentleman that John Maynard Keynes was, among other things, a strong advocate of investment in public spending and the economy in general during recovery from a recession and a strong opponent of closing services down and stopping things happening during that period of recovery. I hope that the hon. Gentleman has not in any way damaged his career as a result of his advocacy of Keynes today.

Keynes said a number of other things; among them, he emphasised the object of skilled investment. He said:

"The social object of skilled investment should be to defeat the dark forces of time and ignorance which envelop our future."

Although he was not talking about climate change, that seems to me to describe very accurately the skilled investment that is needed to ensure that the Copenhagen agreement works as strongly as we hope it will. In that respect, the recent discussions at the EU summit resulted in agreement on a substantial level of investment from the EU as part of the Copenhagen agreement. That will ensure that the less developed and developing countries can come to the table in Copenhagen much more secure in the knowledge that there will be genuine assistance for their economies and their development as part of the deal. That was described as a breakthrough, and it really was. A great deal of credit must go to the Prime Minister and the British Government. Although that is by no means a done deal in terms of exact figures, it is nevertheless a great step forward in how Copenhagen can now be cast.

My right hon. Friend the Secretary of State underlined the sort of clean development mechanisms that the investment will underpin. Such investment is of use and interest to all of us in ensuring that the development of such countries skips the experience that the developed world went through with its development of electricity and other utilities by exceptionally dirty means. Among other things, it means that the era of using mineral fuel as the prime engine for the economy of developed and developing economies is over and that the clear consequence of that—the carbon that has been placed in the atmosphere—is over. If that era is to be engineered into place across the world by means of these investment devices, that will be a good and skilled investment for us all—for this country as well as others.

The right hon. Member for Hitchin and Harpenden made an important point on the extent to which the population of this country, according to recent polling, does not appear to be fully behind the idea that action on climate change is urgent. Although there is some dispute about the figures and about the number of people who believe that nothing can be done, that does not imply that such people are not interested in or concerned or worried about climate change. It seems to me that those in that particular section of popular opinion must have underlined to them the fact that something can be done, that we can take action and that we can stabilise the world's climate and the increase in temperature, which can follow a downward trajectory before, eventually, it stabilises. That is very important to what we are trying to achieve at Copenhagen in action on climate change.

In that context, it is very important that a message is sent out about how jobs in the new low-carbon economy will greatly benefit the people of this country. However, as the hon. Member for North Southwark and Bermondsey (Simon Hughes) mentioned, we must also recognise that the investment figure proposed at the European summit will probably not be nearly enough to ensure that longer-term development arrangements for the developing world are secured.

I was interested in the ECOFIN proposal that part of the levy on bunker fuels for aviation and shipping should go towards establishing clean development mechanisms in developing countries. This country's Chamber of Shipping and the United Kingdom Major Ports Group have worked together to set out how such a levy might be implemented. The suggestion is that international shipping could be registered from point of origin to point of destination, with the levy being imposed on the bunker fuel taken on at specific points. For the future of the UK economy, it must be underlined that it is not that difficult to impose a levy on international shipping. A successful levy would bring shipping within both climate trading arrangements and the Copenhagen considerations.

I believe that the changes that are needed will become easier over time. It is an iterative process, as is the move to a low-carbon economy in this country. The fact that the science fiction films of a few years ago that are now shown late at night feature people in high-tech, futuristic outfits holding to their ears extremely clunky mobile telephones only serves to emphasise how change from the take-up of new technology can happen much more quickly than we thought.

A significant tipping point reached in the past year has generally gone unnoticed, even though it ranks alongside a number of the other tipping points that we have discussed in previous debates. Last year, and for the first time, the worldwide investment in green energy was greater than investment in fossil fuel energy.

Mr. Gummer: Would the hon. Gentleman set aside party politics for just a moment and agree with me that what we really want from the Government is some real enthusiasm about these new things? I long to hear the Minister of State get up and say with excitement, "We are pushing the shipping industry to do these things. We are the leaders on this matter." That would be better than being told by the Danes that we are way behind. Why does she not speak about the excitement of new technology? I want some enthusiasm and excitement from her—that is what we are asking for.

Dr. Whitehead: I know that my hon. Friend the Minister is very enthusiastic about the new economic world in which we will live, and I am sure that that will be displayed in her winding-up speech. As the right hon. Gentleman knows, the idea of a low-carbon economy has been underlined by the Climate Change Act 2008 and the material that has been produced about the route to such an economy—indeed, I am holding in my hand a copy of "Moving to a global low carbon economy: implementing the Stern Review". The vision of moving forward to a low-carbon economy is at the heart of the Government's economic, environmental and energy strategies for future years.

I agree with the right hon. Gentleman that it is incumbent on us to underline with enthusiasm that vision for the kind of world that we want to live in, and the reasons why the British public should not fear it, but instead embrace it. Job opportunities will be created by changing our energy sources from predominantly mineral-based fuels to predominantly renewable fuels. We will have the opportunity to improve our quality of life and to tackle problems such as fuel poverty, thanks to the ambitious plans that are afoot—although I hope that even they will be superseded—to increase the energy efficiency of our homes and the standard assessment procedure ratings of our buildings. We will see changes to the way we transport ourselves around and the emergence of different forms of transport. If a considerable proportion of our energy is generated from wind and other renewable sources, energy will probably be more or less free to the customer at certain times of day. That explains why, without unduly affecting people's fuelling security and the availability of personal transportation, electric cars could play a substantial role in our economy.

Such changes will be fundamental to the way in which our economy works, and they will go with the grain of how the public wish to live and what they want for our economy's future prosperity. There will not be the hurt and pain that some people believe will be the result of such changes. A combination of enthusiasm for those changes and enthusiasm for investment in those changes elsewhere in the world is at the heart of not only ensuring that Copenhagen is a success, but increasing understanding throughout the world that Copenhagen is essential to the future of the globe and that it can usher in a much better life for the globe. That must be an essential part of the negotiations, and I wish our negotiators in Copenhagen every success in that objective.

Maynard Keynes also said:

"It is better to be roughly right than precisely wrong",

and getting a deal that is as close to roughly right as possible and that leads to a legally binding outcome on world carbon emissions is a noble objective that can be achieved through the effort that is being put in. I suggest that if my hon. Friend the Minister burns the midnight biogas, rather than the midnight oil, to achieve that end, I shall be very pleased.

4.34 pm

Bill Wiggin (Leominster) (Con): I apologise to Members whose speeches I may have missed during the afternoon. However, I have been able to hear a lot of the debate.

I should like to discuss palm oil, because one of the most important things that the Government have tried to meet is the renewable transport fuel obligation. I fear that, accidentally, they have increased the chances of the orang-utan, Asia's only great ape, becoming extinct. I do not think that that was their intention, but with deforestation meaning the loss of such a vital carbon sink, and with 6.5 million to 10 million hectares of rainforest having been cleared across Sumatra and Borneo, within 15 years 98 per cent. of Indonesian rainforest could be extinct. That will have a devastating impact on climate change, on efforts to reduce emissions and on vital habitats.

There are 7,000 Sumatran orang-utans and 12,000 to 15,000 Bornean orang-utans left in the wild. Extinction could be as near as five to 10 years away. Some 80 per cent. of orang-utan habitats have been lost or altered, and unless we stop that destruction we will fail in our well intentioned efforts to save the planet. About 90 per cent. of palm oil exports are from Indonesia and Malaysia, and palm oil is found in 10 per cent. of the products in UK supermarkets. More than 900,000 tonnes of palm oil are imported by the UK, and figures are set to rise as biofuel levels increase to meet the RTFO biofuels target of 3.5 per cent. by 2010-11.

[Bill Wiggin]

Biofuels may not be the long-term panacea, and we need to look to the Government to accelerate the development both of hydrogen, like in California, and of electric charging points. Indeed, the Mayor of London, Boris Johnson, plans to introduce up to 25,000 such points in London. We need to strike a balance between palm oil as a biofuel and the loss of rainforest and the impact of biodiversity on animals such as orang-utans, rhinos and the pygmy elephant.

I happened to go to Borneo last year—it is in the Register of Members' Interests—and I wanted to tell the House about the work of a company called Sime Darby, which took me out there and showed me how, in Malaysia, one can combine biofuel and palm oil production with a genuine conscience and on a renewable and sustainable basis. The company's work was fantastic: it had joined the political process with the farming process—the production of that important biofuel—and it was doing so positively and brilliantly. It is time that we heard that side of the story, and about what is going on to protect the orang-utan. It is being protected in Malaysia but, tragically, not in Indonesia.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): If the hon. Gentleman wants his political career to go well, he will be familiar with everything that the Leader of the Opposition does. The hon. Gentleman may therefore have heard recently that the Leader of the Opposition's favourite biscuits are oatcakes, which of course contain a substantial amount of palm oil. Will the hon. Gentleman confirm that Opposition Members eat only orang-utan-friendly oatcakes, which do not contain palm oil?

Bill Wiggin: I know that the hon. Gentleman thinks that he has scored a goal, but if he buys Paterson-Arran oatcakes he will find that they are, indeed, orang-utan friendly—and no more monkey business from him while he's at it.

Companies such as ASDA, Sainsbury's and Cadbury's—big, serious and sensible companies—are doing a tremendous amount to change the content of their food and other products from unsustainable to sustainable palm oil. Indeed, other companies, such as McCain, are using sunflower oil for chips, and a lot is going on to make food production more sustainable. I really welcome that and urge colleagues to encourage it in their constituencies wherever possible.

Mr. Graham Stuart: My hon. Friend is showing his expertise in this area. Does he prefer following palm oil from production all the way through to market to ensure that only sustainable oil is used; or creating certificates and selling them at the point of production, so that companies can buy them and make sure, at least for the quantity that they buy, that an amount goes forward to give a premium to sustainably produced palm oil?

Bill Wiggin: We have to do both, because, although certification is helpful, ultimately we all want proper sustainability from planting through to end use. Therefore, anything that financially encourages such practice is worth having, but ultimately we should get it right from start to finish rather than buy our way out of bad practice.

In Hereford, we had a 350 campaign meeting in the town hall; it was extremely good, and I enjoyed taking part in it. Something very serious went on there that showed why we need to get the climate change debate handled properly and why we need success in Copenhagen. A lot of people, from all sorts of different political parties, brought forward their little dream lists of things they would like brought about, but they did not have much to do with climate change and were much more about their political and social engineering ideas. The bottom line is that the climate change agenda is an exciting opportunity not only to get the planet set up properly but to ensure that we do so in a way that will work. That means using the market and going with the grain of human behaviour, not fighting every inch of the way and introducing silly things such as the Tobin tax, which was raised at the meeting. That is not to do with climate change; it is to do with people having a social engineering agenda, and it is totally counter-productive to taking genuine steps forward. The countries that are accelerating fastest are not doing it through those sorts of methods.

I hope that the Minister will make some comments on the 350 campaign. If we really are at a level of 385 parts per million and going the wrong way, it would be interesting to know what message she can send to the people involved to say, "Look, if we carry on doing it right we will be able to wind those parts per million back to 350 instead of seeing them go up to 450"—we should all be fearful of that.

I worry that Britain is lagging behind. In 2007, after a decade of Labour Government, just 1.78 per cent. of energy used in the United Kingdom came from renewable sources. That is a wasted opportunity. I think that it was due not to bad intention but to bad implementation. Germany, France, Spain, Norway, America and Korea are out-performing the UK in solar photovoltaics. Germany has more than 2,500 on-farm anaerobic digesters, compared with 30 in the UK. Norway has been pioneering carbon capture and storage facilities in the North sea since the mid-1990s, while sadly only now are this Government getting serious about CCS. Combined heat and power has become the biggest source of heating in the Netherlands.

Then we get on to another matter that I hope the Minister thinks is very serious: green jobs. She is on the record as saying that every job should be a green job. I am pretty unhappy about the Prime Minister promising 400,000 new green jobs in March and then cutting that figure to just 250,000 at the Labour party conference. What happened? Where did those jobs go? Some 150,000 jobs were to be created but now they are not. That sends out all the wrong signals. I know that the hon. Lady will have difficulty defending the Prime Minister's speeches, but we need to keep reminding the Government from all parts of the House that, as she said, jobs should be green jobs.

Thirty-five per cent. of our carbon dioxide emissions come from energy supply, 22 per cent. from other industries, 24 per cent. from transport, 4 per cent. from services and 15 per cent. from gas and oil powered heating and cooking in homes, so there is obviously a lot more that we can do.

Despite the Government's rhetoric, their record is lamentable. In 1997, Labour claimed in its manifesto that it would reduce carbon dioxide emissions to 20 per cent. below the 1990 levels by 2010. In 2003, that target had become an aspiration to move towards a 20 per

cent. reduction. In 2006, the climate change programme review conceded that the target would be missed. In 2008, carbon dioxide emissions were just 10.3 per cent. below 1990 levels—barely halfway towards the Government's target, with less than two years to go. We know that Ministers want to do the right thing, but the Government do not have a great record on this. Therefore, anything we can say or do today to encourage them to get it right at Copenhagen is crucial.

In my constituency, there is a company called Green Energy Supplies that sells microgeneration equipment—log-fired boilers. It is suffering because the microgeneration certification scheme insists on certain standards—all good stuff so far. Unfortunately, those standards are achieved under EU regulations. With our microgeneration certification scheme, there is duplication of the same regulations plus a bit of gold-plating, and as a result there is extra cost to the companies that should be the point of the spear in the attack on climate change. Those companies want to make money by selling their products and encouraging people to do microgeneration, but they are being swamped.

I am waiting for a meeting on that matter with the Minister's Department, as promised by the Prime Minister, but I have not yet heard when it will be. I and my constituents look forward to hearing from the Government what they are going to do to encourage companies such as Green Energy Supplies in Leominster and let them get on with doing what we all want them to do, which is help cut our carbon emissions.

The story of wind farms makes me even crosser. I passionately agree with renewable energy, but the way in which the Reeves Hill wind farm in my constituency was handled makes me want to pull my hair out. Here we have a uniquely beautiful place, and there were 1,500 objections to the wind farm applications. In my eight years as an MP, I have never seen anything like that volume of objections to such a planning application. I asked the Government to call it in and they did, but in the end it was handed back to the council, which had unfortunately already decided to approve it. None of the proper procedures to give people confidence that the planning application protected them from things that they did not want and from their lights going out were followed in the way that they should have been. We are never going to convince people that we are right about renewable energy if the planning process is not used properly—I hesitate to use the word abused. That is a huge regret.

Another wasted opportunity is the skew in renewable energy efforts towards wind, without an equally passionate effort on tidal energy. We in this country have a unique opportunity, because we are on an island. We ought to be doing everything that we can to lead the world in alternative and effective renewable energy sources. As the fourth or fifth largest economy in the world, we can do that.

We have a unique opportunity to set an example by investing in the research and development necessary to bring forward new technologies. We can prove that if we go with the new technology, we will not only live in a cleaner and better country but create jobs, wealth and energy and deliver what people want at a price they want. Other countries that follow on behind us will then get the benefit, just as they did with the mobile telephone revolution. They do not have to go through the early, painful years, and they can walk straight in and pick up the technology ready and fit for purpose. That is what leading economies should be doing and what we want the Government to do.

There is no better example of where the current system is not working than on-farm biodigestion. Farmers have picked up a bill of more than £520 million for extra regulation such as the nitrate vulnerable zones. We understand why the Government wanted that regulation, but what a shame it was not coupled with something such as biodigestion so that when a dairy farmer produced huge quantities of cow muck, instead of being made to build a vast pond to store it in he would have been encouraged to build a biodigestion unit. Then that muck would have been recycled properly and the gas would have gone back into the grid, hopefully with a proper feed-in tariff.

We can do those things, and they are being done in other countries. Why are we not leading the world on such technology? Every time we throw food away, it should go into biodigestion. We can do it. It is not rocket science, and it is happening in Germany. It is inexcusable that we hit our dairy farmers with huge bills, when they have the answers to the problems if only they were encouraged and able to invest in the right technology. It is a real tragedy.

When I needed a new boiler in my house, I wrote to every energy company and asked whether they could help me get a combined heat and power boiler. I got a straight set of replies saying that they did not do that. We had a demonstration in the Jubilee Room by a company with, I think, a sterling coil boiler, but I could not get one. That is a real shame, and I suspect that if I could not get one it must be much more difficult for our constituents.

We need to make it easy for people to do the right thing, encourage them to do it, and show them that when they do it, they win. If we press all those buttons, we will see climate change sceptics disappear because, actually, it will not be worth being sceptical about climate change. It should be profitable and sensible to go with what is right, and people should take pride in it, but it is just too difficult to do so at the moment. If we are finding it too difficult, our poor constituents must find it far, far worse.

I am grateful for the opportunity to have a conversation such as this with the Government, and to say to them, "We desperately want you to get it right in Copenhagen. We are very worried because your track record is lousy, but if anybody's got the chance to do it, you have." The tragedy of the debate is that it is not something that can wait.

I had the privilege of listening to Al Gore when he spoke to Conservative Front Benchers. We asked him what one thing he would do if he were in our shoes, and his answer was very helpful. He said that the only thing that really matters is getting global agreement. Although I have spoken about things we could do ourselves, to solve this global problem we need a global solution. At the time, that was about moving to Kyoto 2 and making it enforceable, but now it is about Copenhagen, and his words are as true today.

I say this to the Government: get that agreement, bind in the people who are causing the trouble and help those who are suffering, but do not come back to us and say, "We tried jolly hard but we're awfully sorry, it didn't

[Bill Wiggin]

work this time." They should go out there and save the planet. After all, what better reason is there to be in politics today?

4.51 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I wish that we come back from Copenhagen with a significant agreement, but whatever enthusiasm, skill and energy our delegation demonstrates there—I will be there watching and cheering them on—they cannot do it on their own. That is the nub of the problem. That is not only why we need an international agreement if we are to achieve any success in combating climate change, but why it is extremely difficult to do so.

We have watched a sort of stately gavotte in climate change negotiations for years, going round and round in circles, producing very little. We have not even had a legally binding agreement up to now. Kyoto was not an effective, legally binding agreement, and there has been no question of compliance action for countries failing their Kyoto obligations. If we get a legally binding agreement out of Copenhagen, it will be a tremendous first for the planet.

However, we have already had to accept the fact that, for reasons totally beyond the control of the British Government, a binding legal agreement is completely unlikely. That can happen only with the enthusiastic endorsement of the US Administration, who have been the stumbling block of climate change negotiations for the past 10 years. Although the Bush Administration have moved on and been replaced by an enlightened Administration under Obama, he is leading a country in which the debate on climate change is 10 or 20 years behind that of the rest of the world.

The right hon. Member for Hitchin and Harpenden (Mr. Lilley) may pour scorn on public concern about climate change and support for action against climate change in the UK, but compared with America, that concern and support is pretty good.

Mr. Lilley: I am afraid the hon. Gentleman's point is wrong. There is a lower support for, or belief in, action to curb climate change in this country than in the United States of America.

Dr. Turner: Well, I find that extremely hard to believe. The resistance to climate change in the US is very strong. I remember the first real redneck I ever met was a senator from Wisconsin. He leaned back in his chair, put his feet on his desk and said, "If it impinges badly on the American economy, there is no way we're gonna ratify Kyoto." The US economy comes first, second, third and fourth as far as a large percentage of the American populace is concerned.

My right hon. Friend the Secretary of State made it clear that the best outcome that we can achieve at Copenhagen is international agreement to aim for a 2° target. We must be careful about investing too much emotional capital in Copenhagen. First, we cannot afford to let it be the last chance, because if we do not get what we want from it, we cannot just go home and stop trying. Secondly, we have to consider what a 2° target means in practical terms. It does not mean that if all the world's Governments agree that we will limit global warming to 2°, we can all go home and sleep safe in our beds. The Committee's reports make it clear that that target means that we would have a 50 per cent. chance of restraining global warming to 2°. That means that there is also a 50 per cent. chance of exceeding 2° and a smaller chance of warming reaching 4°. I just hope that the world's luck is better than mine, because from my personal experience I tend to get the wrong end of a 50:50 chance. Is a 50 per cent. probability acceptable? It seems to be the best that science can offer and that even the most effective international agreement can deliver, but does it make us comfortable? No, it does not, but anything less does not bear thinking about.

What will happen if the US cannot come to the table with something a little more positive, in terms of numbers and determination? It looks as though that will not happen, because of the difficulties in its own backyard. Will that mean that other countries will fail to agree and walk away? I am somewhat optimistic on that point. For instance, I share the optimism of the hon. Member for Beverley and Holderness (Mr. Stuart) about the position of the Chinese. I was also on the Environmental Audit Committee delegation that visited Beijing, and it was clear that the Chinese had just as sophisticated an appreciation of climate change science and what needs to be done as anybody else. They are also deploying renewable energy far more effectively and far faster than we are, but then of course they do not have to worry about Conservative local authorities refusing planning permission for wind farms. So they have certain advantages.

The Chinese are also concerned with alleviating poverty, hence their rush to industrialisation and their massive deployment of coal-fired power stations. The Chinese are conscious of the implications of that too. They are working on CCS far more quickly and effectively than we are, and I strongly suspect that if we do not get our act together, we will not be supplying CCS kits to retrofit Chinese power stations; we will be buying them from them. That would not be helpful.

What are we going to do? Are we going to wait until we have the whole deal in place at Copenhagen before we start to up our game on climate change and CO_2 reduction, or do we start to take action anyway on the things that matter—things such as having a sensible carbon price to encourage investment in the right direction of low-carbon technologies? At the moment, carbon pricing is dependent on the emissions trading scheme, which has produced a very limp carbon price indeed. We are waiting for something to emerge from Copenhagen to provide the basis for a firm carbon price, although I am a little sceptical about the likelihood of that. We have to consider what we are to do if a sensible carbon price does not emerge as a result of Copenhagen. We will have to consider unilateral action, or action at an EU level or at the highest international level possible.

Another prime element to Copenhagen will be deforestation and the evolution of a reasonable reduced tropical deforestation regime to arrest deforestation in developing countries. That hangs in the balance, but deforestation accounts for more than 20 per cent. of current CO_2 emissions in the world. Can we afford to wait? I suggest that we cannot. If we do not get from Copenhagen a binding agreement or a satisfactory political agreement, we will have to continue to work for it. If we do not get it from Copenhagen, we will have to go for it again in a few months. However, rather than waiting until we have every duck in line before we get a fully fledged legal agreement, action on aspects of climate

change must be taken as soon as possible. That might mean groups of countries—led, I would hope, by the UK and the EU—acting together to start the process, even if they cannot get the consent and support of the whole world.

We cannot afford to wait. One country cannot be allowed effectively to block progress by the whole world—much too much is at stake. The one agreement at which we must not arrive at Copenhagen is one no more valuable than the piece of paper with which Mr. Chamberlain returned from Munich. In climate change, we are faced with something just as threatening as world war. It might take longer than a world war, but the effects and resulting casualties will be just as calamitous. We have to go for it at Copenhagen, and if we do not get everything that we want there, we must be prepared to start leading action on our own.

5.4 pm

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): This has been a wide-ranging debate. Surveying just the contributions from those on the Conservative Benches, we went from the right hon. Member for Suffolk, Coastal (Mr. Gummer), who proved that he is excited, as always, about tackling climate change and who prayed in aid the Pope and denounced creationism, to the right hon. Member for Hitchin and Harpenden (Mr. Lilley), who gave us the benefit of his list. I am only sorry that he did not sing his list, as I am old enough to remember him doing in days gone by.

However, it is understandable why we ranged across such a variety of subjects, because the issue affects us, and needs to tackled, at all levels. As this is a debate in the run-up to Copenhagen, we have considered governmental and international challenges. Before making one or two points about that, however, I would like to start with some more parochial issues, which can be dealt with at the individual and local levels.

Let me start by praising the 10:10 campaign, which has been mentioned, which is an accessible way for individuals, local authorities and the Government to make a practical short-term difference. I have signed up, as I understand the Cabinet and Departments have. More importantly, the Government have promised an additional £20 million to ensure that targets to reduce emissions can be achieved.

I will come to that when I talk about what local government is or is not doing, but I am sorry that neither Conservative council in my constituency has signed up to 10:10. I know that all Labour councils have been urged to sign up, and I am sorry that many Conservative councils are not doing that. What is required is not just to urge people to sign up, but to facilitate them. The fact that the Government are making grants available for insulation and the fact that we now have feed-in tariffs mean that it is possible for people to take those steps.

One way in which I hope that I am making an effort locally is by joining the Airplot scheme, which, for those who are not familiar with it, is the purchase of a piece of land on the site of the proposed third runway at Heathrow. Many of my constituents have signed up as beneficial owners, with the support of local environmental organisations, as well as Greenpeace and Friends of the Earth. Later this month we will plant some apple trees there, because it is on the site where Cox's apples were originally bred—is "bred" the right word? No, possibly not.

The scheme has received a lot of publicity, but it has a serious intention. Aviation, and particularly the third runway at Heathrow, is something of a blind spot for the Government. I recently read an editorial in *The Economist* that is exactly a year old, but which, perhaps not surprisingly, was reprinted last week. It concluded thus:

"the biggest reason why"

the Prime Minister

"should hold off deciding Heathrow's future is that the government's own Competition Commission ruled…that BAA's monopoly of London airports should be broken up. Anticipating a direct order, the airport operator has…put up Gatwick for sale. Any new owner is likely to seek permission to build a second runway there to compete with Heathrow…That would give London…new capacity at a lower environmental cost than expanding Heathrow."

It is no surprise that that has come true, as it pretty obviously would. As soon as Gatwick was out of BAA's hands, the potential for expansion there was clear.

That does not mean that I am advocating a second runway at Gatwick, although that would obviously be much more sensible and environmentally friendly than having another one at Heathrow. However, what has happened shows the complete confusion in the various views on aviation that we hear, and that goes for both parties. For example, the Greenpeace website says:

"cabinet ministers Ed Miliband and Hilary Benn…and an increasing number of Labour MPs have all spoken out against the plans to build a third runway at Heathrow,"

whereas we had one Opposition Front Bencher saying only a couple of months ago that the plans for a third runway would be revisited if a Conservative Government were elected. At the same time, we had Boris Johnson initially saying that Heathrow would be closed and a new airport built in the Thames estuary, whereas he now says that that new airport will be in addition to a two-runway Heathrow, and that we will have an additional four runways in the south-east. This is a chaotic situation for aviation policy to be in, for all the parties.

Frank Dobson: Does my hon. Friend agree that the success of the high-speed link to the channel tunnel and the high-speed rail connections beyond it, along with the newly improved St. Pancras station in my constituency, demonstrate that the best way to deal with the demand on capacity at Heathrow is to ensure that people do not want to make short-haul flights to Europe? The sooner we build high-speed connections in the rest of Britain, the sooner we can eliminate most domestic flights as well.

Mr. Slaughter: I absolutely agree with my right hon. Friend. I am sure that a number of Ministers would agree, too, including the Secretary of State for Transport and the Secretary of State for Energy and Climate Change.

I do not want to make a whole speech about Heathrow, but it is impossible to ignore issues of this kind if we are to have a coherent policy across the board on climate change. The Opposition's policy, despite their volte face at the Conservative party conference a year ago, is just as confused and disingenuous on this issue.

Gregory Barker (Bexhill and Battle) (Con): I want to reassure the hon. Gentleman that there is nothing confused on our side. We are very clear that, if we win the next general election, there will be no third runway at Heathrow.

Mr. Slaughter: The hon. Gentleman says that, but we hear siren voices saying very different things. I also remind him that, three months before the instructions to the then shadow Transport Secretary at the Tory party conference, half the shadow Cabinet were lecturing my constituents on why it was in the country's economic interests to have a third runway. I do not think that many people, including most people in the environmental movement, believe what the Conservatives are saying for a moment.

As the hon. Gentleman has introduced that theme, I want to suggest that he read another interesting article on the Greenpeace website, entitled "Do the Tories get climate change?" It is based on the fact that the 10 leading Conservative bloggers on the subject—some very influential people—all happen to be climate change deniers.

Ms Buck: Is my hon. Friend also aware that a number of leading Conservative councils have chosen not to back the 10:10 campaign and not to give local leadership on climate change? In fact, on Wednesday night, Westminster city council refused to support a motion accepting 10:10.

Mr. Slaughter: Indeed, and I have just mentioned that both my Conservative councils take the same view. That is not surprising, because most London Conservative councils are off the scale when it comes to opposing environmental projects. My local authority is the only riparian borough that opposes the Thames tunnel or any relief scheme for sewage going into the Thames.

It is not surprising to find these views wherever we look across the Conservative party. For example, the shadow Business Secretary had some interesting views on wind farms, but the wind changed direction and he changed his mind overnight, and the shadow Chancellor did not mention climate change once in his speech to the Conservative party conference, perhaps because he thinks that there is no economic aspect to climate change. As the Secretary of State pointed out, the Conservative party refuses to clarify whether the aid budget would suffer in order to spend money on climate change, and my hon. Friend the Member for Eltham (Clive Efford) mentioned that the Conservatives' closest ally in Europe is Václav Klaus, who is a notorious—possibly one of the world's leading—climate change deniers.

I shall read a few sentences from President Klaus's interesting book, "Blue Planet in Green Shackles. What is Endangered: Climate or Freedom?" The right hon. Member for Hitchin and Harpenden might be interested in this, because it sounds very like part of his earlier speech. The book claims that climate change is a "false myth". It states:

> "The greatest challenge facing mankind today is the challenge of distinguishing reality from fantasy, truth from propaganda. Global warming has become a symbol of this clash".

These are the sort of people who are the Conservative party's natural allies. It might be said that while the Conservatives are safely in opposition, it does not really matter, but it does. Unfortunately, given the way the political cycle goes, a large number of town halls around the country are now controlled by the Conservative party, yet the role of local government in taking practical measures to resist climate change is very important.

Let us take recycling, for example. This morning, when I went down to get my post, now hopefully restored, I found what I first thought was a personal letter, but it had in fact gone out to every household in the borough. There is perhaps some irony in sending out in envelopes so many letters about recycling. It was from my local council and it said, "Recycling: it's a duty, not a choice", telling off the residents of Hammersmith and Fulham for not doing enough to recycle. I was quite surprised to receive it, as it is the first thing that I have ever had in four years from the Conservative council on the subject of recycling. For a moment, I thought that I was perhaps not doing enough, but then I thought that one of the main reasons was that my Conservative council provides virtually no recycling service whatever.

When the council was Labour-controlled, it provided a garden waste collection service, but that was subsequently charged for and then abolished, so that over the last two years for which figures are available, composting went down from 4.5 to 3.5 per cent. The council refuses to provide any food recycling service. When one of my constituents asked about it, the council said that it was illegal, which is strange because Ealing council next door provides such a food recycling service and I am not aware that it is illegal.

The current council has continued a recycling service that was started by the previous Labour council, whereby one puts mixed recycling into an orange sack. A scheme has been introduced where that is now collected at the same time as general refuse. It might be said that there is nothing wrong with that, except that I have often sat behind the refuse vehicles and watched the recycling sacks being put in with the general refuse and mixed up with it. It is perhaps not surprising that the net result is that a London borough with a population that is educated and aware as far as recycling is concerned—frankly, it does not need to be told, at great public expense and waste, that it is a duty to recycle—is now recycling only 26 per cent. of its waste, which is about half of what the best councils are achieving. Before Conservative Members start lecturing the Government, as I have heard them doing this afternoon and on many other occasions, perhaps they should take the beam from their own eyes and look at what their own local authorities are doing around the country, which is on the whole, I am afraid, very little.

Let me start to conclude—I have only a few minutes left—by dealing with one or two other subjects that have been raised, which I would like to put as questions to Ministers. The first is the issue of green jobs. The Government have said, it is true, that 1.2 million people will be in green jobs by 2015. That is surely one of the key issues both for energy and the manufacturing sector. It seems to me that this is a win-win-win situation. First, investment in renewables and green manufacturing will help the country out of recession. Secondly, it will improve our security, as the ability to generate energy domestically is a far better alternative than relying on uncertain, unreliable and expensive sources of fossil fuels from overseas. Principally, however, if we are going to tackle climate change, it is a clear and absolute requirement massively to increase the percentage generation

of power through renewable sources. I am pleased to say that the target of 40 per cent. from low-carbon sources by 2020 is there and clearly stated.

I do not agree with everything that the environmental groups have to say. I do not agree with them about carbon capture and storage or, indeed, about nuclear power, because those methods will clearly be necessary. In the short term, however, the Government should make the investment in green jobs—whether they involve wind turbines, electric vehicles, hydroelectric schemes or nuclear projects—a priority. It is clearly not a priority for Opposition parties. Currently, 60 per cent. of applications for wind farms are turned down by Conservative councils. I do not think that the Government need to be lectured, but I do think that they need to do more in that regard.

Finally, let me refer my hon. Friend the Minister to the briefing for Copenhagen from Friends of the Earth. It makes two points. One relates to the need for developed countries to help the developing world to make strides. The Minister may not need to be told that, because the Prime Minister's statement on the European Council meeting earlier this week showed that once again he is leading the field in ensuring that money is made available to that end. The other issue, which is perhaps more contentious, is offsetting, which Friends of the Earth thinks should not be part of the climate change agenda. I might not go that far, but I would say that the developed world has an obligation not simply to offset—not simply to rid itself of its burden through deforestation programmes or other means—but actually to cut emissions. The Government need to address that at Copenhagen.

I believe—I think that this has been acknowledged on all sides—that the Prime Minister and the Secretary of State have been doing a fantastic job so far in leading the international agenda, but it is clearly necessary to go further. The developed world must take more of a lead in ensuring that climate change is tackled.

5.22 pm

Gregory Barker (Bexhill and Battle) (Con): This has been an excellent debate. It is rather a shame that it had to end with some rather incoherent rambling and on a slightly sour note, but I do not think that we will let that spoil our enjoyment of the afternoon.

I was in Copenhagen for the GLOBE meeting two weekends ago and returned feeling rather more encouraged than I had expected. There has been a great deal of negative press coverage about the prospects for the Copenhagen summit, but when briefing the GLOBE conference, the Danish Prime Minister was much more upbeat than I had expected him to be, and his Conservative colleague, the Danish Environment Minister, was truly inspirational. I think we can be comfortable in the knowledge that the summit could not be in better hands than those of the Danish Government. They are doing all they can to make it the greatest success that it can be, given the size of the challenges that it has still to overcome.

As the city's hotels, shops and local media hold their breath for the invasion by world leaders—and it is to the Prime Minister's credit that he was among the first to declare that he would be going—along with, of course, the circus of international lobbyists, non-governmental organisations and global media, it is by no means certain that, however well prepared the Danes are, there will be the successful outcome for which we hope. The world is holding its breath for a summit that will be seen through the eyes of history either as the great turning point described by many Members today—a point at which the nations of the world overcame their differences to tackle a huge challenge—or as a tragic step over a precipice of our own making.

As my hon. Friend the Member for Tunbridge Wells (Greg Clark) reminded us, it was 20 years ago this week that Margaret Thatcher first told the United Nations that we needed concerted global action to tackle climate change. While the science has become ever more compelling, the reality is that, particularly since Kyoto, global leaders have failed to rise to the challenge of decarbonising our economies. So when the international community meets in Copenhagen, we will need to be more realistic and much tougher about the need for real, short-term and immediate action and delivery plans, and not just end up with more loose commitments to targets. It really will be a summit about delivery, and I was encouraged by the Secretary of State's words about the need to include specific numbers in any agreement.

Private sector finance will be absolutely key to all those solutions. It forms a key part of the EU contribution, but given the trillions of dollars that need to flow into decarbonising the global economy, we will look for leadership at Copenhagen and for the international frameworks that will provide the business certainty that we need if we are to achieve those investment flows.

Mr. Stuart: When listening to contributions by some Labour Members, we could be forgiven for thinking that investment by companies can be taken as a given. However, we have Europe-wide and sometimes global companies, and there is limited money to invest—in fact, there is a competitive position. It is important that we get the investment in this country, so we must understand the incentives to get the private sector to invest. If we do not do that, we will have what we have now: confusion and a lack of investment, owing to the poor framework set up by the Government.

Gregory Barker: My hon. Friend is absolutely right. If we take Europe as an example of how the world might look and consider the different regulatory regimes and the various methods of incentivising renewable energy, we can see that great strides forward have been made in some parts of Europe, such as Germany and Spain, because they have the right framework and incentives in place and the well of money has been fed primarily by the private sector. However, as many hon. Members have said today, we in the UK, where we have tremendous natural assets, ought to be the Saudi Arabia of renewable energy.

We have huge potential in our coastline and the North sea. We have amazing expertise and research and development in our universities. We have the City of London, which it is fashionable to trash, but which is a hub for raising green capital, both debt and equity, which will be vital in future. Yet we still trail lamentably behind other countries in Europe because we have not had the right framework for the past 10 years and have not been able to give businesses the confidence that they need to invest. We need to learn those lessons in a very pragmatic way and we must ensure that, at Copenhagen, we start to build the global frameworks that let us learn

[Gregory Barker]

the lessons of the past decade or two and start to trigger the trillions of dollars that need to flow if we are to get anywhere close to our aims.

Frank Dobson: On international trade and opportunities for profit, surely the frameworks in Germany and Spain that the hon. Gentleman suggests are superior should be able to attract investment from British entrepreneurs and people in the City, who are apparently falling over themselves to fund green developments.

Gregory Barker: I do not quite understand the right hon. Gentleman's point. Substantial UK and international investment goes into those countries, but it does not come here. We want it here in the UK, but we need it to flow around the world.

Let me talk briefly about the many points that have been made in this excellent debate. The right hon. Member for Scunthorpe (Mr. Morley) spoke about the opportunities for business, particularly the manufacturers in his constituency, and the carbon capture and storage infrastructure opportunities. He is right that there are real opportunities, not just in his constituency but throughout the UK. He also said that the rain forest needs a really important boost at Copenhagen: there cannot be a successful Copenhagen outcome if it does not include a significant boost for rain forests. Ecosystem protection across the board needs to be incorporated into any framework agreement, recognising the job that wetlands and mango groves do.

The hon. Member for North Southwark and Bermondsey (Simon Hughes) was right to call for action now. I totally agree with him that now is the moment when we need to come together to act, for political, scientific and business reasons. If we do create that framework, hopefully investment will start to flow.

The right hon. Member for Holborn and St. Pancras (Frank Dobson) spoke with great knowledge and passion about the immense climate challenges facing Bangladesh. He truly informed the debate about that country's particular challenges. My hon. Friend the Member for Tunbridge Wells will visit there in the near future. Conservative Members are certainly very aware of the country, but the right hon. Gentleman has enlightened me on the subject today.

My hon. Friend the Member for East Surrey (Mr. Ainsworth) is to be congratulated on the Green Energy (Definition and Promotion) Bill, which he championed and took through the House of Commons and which passed through the House of Lords today. He is also to be congratulated on the work he does as a trustee of Plantlife. He introduced an interesting dynamic to the debate by saying it is not really about the preservation of a planet, but about the preservation of human civilisation and the culture, values and history that we hold dear. He is absolutely right. He may have sounded depressed at times, but I think he helped to instil a high degree of urgency through his call for a robust global framework, and in particular a global price for carbon.

The hon. Member for Morley and Rothwell (Colin Challen) spoke about the need to focus on carbon technologies. My right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) struck a slightly discordant note, but he is always articulate and very well informed.

Mr. Lilley: And usually right.

Gregory Barker: I am afraid I do not necessarily agree with my right hon. Friend. He described himself today as, I think, putting forward a lukewarm case for what I guess we would call climate scepticism.

Mr. Lilley: It was a case for lukewarmism.

Gregory Barker: I stand corrected. Let me make a serious point, however. I know that my right hon. Friend is very genuine in his beliefs, but if we were talking about the probability of our children or grandchildren suffering not from climate change, but from cancer, would he indulge in the same rhetoric about probabilities and ratios? If we were talking about a 60 per cent. probability of our kids contracting cancer in the 2020s or 2030s, or a 50 per cent. probability of our grandchildren contracting cancer in the 2050s, would he engage in that same academic rhetoric? I think not, but as sure as eggs is eggs, for so many people around the world climate change, if it goes unchecked, will result in death and destruction as surely as cancer would. That may be an inappropriate comparison, but for a lot of people, particularly in the developing world, checking climate change will be a matter of life or death, and we must remember that.

Mr. Lilley: My hon. Friend asks a question. May I respond in the form of a question? Does he not realise that most medical research is conducted on precisely that sort of statistical basis, in that a product that has only a small chance of causing cancer goes into the public domain, whereas we legislate against products that have a large chance of doing so? I think that global warming is likely to cause lukewarming, not serious problems. My hon. Friend asks whether I would raise concerns about cancer on a statistical basis in other spheres. Indeed, I have done so: I argued in favour of the legalisation of cannabis, because the chance of getting cancer from cannabis is negligible, while the chance of getting the disease from tobacco is very great.

Gregory Barker: I appreciate the points my right hon. Friend makes, but even if we are at the lukewarm end of the range of probabilities, that is still a very substantial problem. If I thought there was any chance of actions taken by myself or a Government of whom I was a member leading to a 10, 20 or 30 per cent.—let alone a 60 or 70 per cent., or, as the IPCC believes, a 93 per cent.—probability of such an outcome, I would strain every sinew and not begrudge spending any money that I thought was necessary to avert that.

My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) informed me that he would not be here now because he has another engagement to attend, but I should mention that he spoke with his usual passion and informed the debate with his particular expertise. The hon. Member for Eltham (Clive Efford) spoke about hydrofluorocarbons, and I agreed with a great deal of what he said on that subject. He only has to wait for a Conservative Government to see robust action on regulating HFCs out of the system.

My hon. Friend the Member for Beverley and Holderness (Mr. Stuart), who does a huge amount of work on this agenda in his role as the international vice-president of

GLOBE International and as a member of the Environmental Audit Committee, spoke at length about China. He is one of the more knowledgeable China-watchers in the House—

Edward Miliband: Sinologists.

Gregory Barker: Indeed. My hon. Friend discussed a lot of the developments in China that people do not appreciate—for example, the fact that it is ahead of us in the amount of renewable energy that it generates and that, sadly, it is increasingly ahead of us in the deployment of CCS technology. If we are not careful, we could be patting ourselves on the back for agreeing to stretching, long-term targets, while in the meantime the Chinese are taking practical action in the near-term that will be more meaningful in fighting man-made climate change.

The hon. Member for Llanelli (Nia Griffith) spoke about deforestation and made some excellent points on micro-hydropower with which I fully agree. The hon. Member for Angus (Mr. Weir) mentioned that there remains a job of work to do to educate and inspire the public, and I must agree with him. Ultimately, that comes down to political leadership: nobody can dodge the fact that if we do not inspire, motivate and educate from this place, we cannot blame or push that off on to anybody else. All of us in this place have some responsibility for that.

The hon. Member for Eltham was making some good points until he stumbled into an incoherent ramble about the EU and the role of the Conservative party. So much nonsense is talked about that. This Government claim to have a very good working relationship with most of the Governments in Europe, including those of the French, the Germans, the Italians and the Spanish. Those countries all have centre-right Governments of parties with whom members of our governing party do not sit in the European Parliament; they sit in opposing political alliances, but that does not stop our Government forming very good working relationships, and we would look to build on that. Trying to see the whole European climate change agenda through the prism of the seating arrangements at the Strasbourg Parliament is absolute nonsense.

Clive Efford: I was just about to agree with the hon. Gentleman because France does have a centre-right Government. That makes the criticism of his party all the more potent, given that it comes from one of the main centre-right countries of the EU. That underlines my point about how his party has isolated itself from the mainstream of Europe—*[Interruption.]*

Gregory Barker: As my hon. Friends point out, that was certainly no criticism of the climate change agenda. As we have repeatedly pointed out, Europe is ideally suited to deal with climate change. We want to work closely with our European partners on climate change and not on other issues.

The hon. Member for Southampton, Test (Dr. Whitehead) held the House spellbound—at least, there was not a great deal of movement while he was speaking—with his own distinctive form of enthusiasm. My hon. Friend the Member for Leominster (Bill Wiggin) made a typically well informed contribution. He is our leading expert in the House on the orang-utan and he spoke with real passion about his visit and his first-hand experience, and about the destruction of the great ape's natural habitat. He also highlighted how we are lagging behind our competitors in developing new technologies and green jobs.

There is no clear divide between our position on the Copenhagen talks and the Government's. There are different areas of emphasis, but I do not want to finish by being churlish or criticising the Government for their lack of progress over the past 10 years. I look across the Chamber at the DECC team and I know that they are personally very committed to securing the best possible agreement. I do not underestimate the challenges that they will face, but I hope that they realise that they will go to Copenhagen with the full support of Her Majesty's Opposition. If we can help to convince the world that Britain is sincere, determined and ambitious to seek the most robust and far-reaching agreement, the Secretary of State only has to ask.

5.40 pm

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): This has been an excellent debate and I want to comment on the various things that people have said, to try to answer the questions and then to make some remarks of my own.

The hon. Member for Tunbridge Wells (Greg Clark) said at the beginning of the debate that he wanted a clear message to come from it that there should be a complete unity of purpose, and that has just been echoed by his deputy. We take that to heart and appreciate what has been said. The hon. Member for Tunbridge Wells invited me to apprise the House of the construction of the €100 billion, and I am happy to do that. We believe—and what the EU has proposed—is that the €100 billion should be made up of revenue raised through the international carbon market, countries' efforts and international public finance. Public finance is also needed to support early action and the EU estimates that the total international public finance needed is between €22 billion and €50 billion. That is what we are talking about from 2020, but we acknowledge that there needs to be early action. That requires public money, which we will have to find a means of raising, and the EU and we in the UK have said that we will do our bit.

The hon. Gentleman spoke about the vast potential of the new low-carbon market, and said that the UK was well placed. We agree entirely on that point and see it as a means of bringing ourselves out of recession and of creating many more jobs. He also spoke of the need for additionality in support for developing countries and that is why we proposed the figure of 10 per cent. We see that as a means of limiting the amount of money that can be said to meet both poverty and climate needs.

My right hon. Friend the Member for Scunthorpe (Mr. Morley) welcomed the EU agreement on finance and expressed concern for developing countries which would need that for adaptation. That is very much the line that we have taken. He said that we needed to make our numbers add up in a way that was guided by science, and that is entirely the point that the Government have made. He spoke about the new Stern analysis, which is calculated in gigatonnes, and the gaps that exist. He referred to the work of legislators and we encourage and appreciate the work that is done by

[Joan Ruddock]

GLOBE. My right hon. Friend spoke of deforestation and the need to ensure that in any deal there needs to be protection of forest people. That is something, again, that the UK Government have pressed for strongly at all times during the negotiations.

The hon. Member for North Southwark and Bermondsey (Simon Hughes) said that he hoped that we would be encouraged by the debate. I can assure him that we have been. He said that this is one agreement that could compare with Bretton Woods or peace treaties after the war, but I believe that it is the most important negotiation that the world will ever see. If it fails, we will have catastrophic global climate change and it will be irreversible. It cannot fail.

He asked about the nature of the agreement. Let me make it very clear that we believe that at this meeting in Copenhagen we need a politically binding agreement: what people say there has to bind them in the name of their countries. There can be no doubt about that. The legal agreement will take time and effort afterwards, and the timetable needs to be announced at Copenhagen. Yvo de Boer has said that he believes that it will have to be concluded by the end of 2010. The hon. Gentleman said that it is important that we reach a politically binding agreement with numbers, and I can confirm that numbers have to be on the table. We are very clear about that.

The hon. Member for North Southwark and Bermondsey asked us to go further than 34 per cent., and we have said that the UK will raise its contribution if we get a global deal in line with the EU promise. He asked where the money would come from, and I think that I have explained that already. He spoke about the institutions involved and said that they should not include the World Bank. Although no decisions have been taken, we believe that some new architecture is needed, as well as improvements in the existing institutions.

The hon. Gentleman asked whether there would be new sources of finance, and we are very clear that they will be necessary. He spoke about levies on aviation and shipping: I can tell him that they are under discussion, although our preference in the long term is that those sectors should be treated as part of the carbon trading scheme.

My right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) spoke passionately about Bangladesh and the problems that it faces that go beyond its Government and peoples. He said that they are down to all of us, and we agree completely, as the voices of such countries are critical in this debate. We very much support the adaptation efforts that are already under way in Bangladesh.

The hon. Member for East Surrey (Mr. Ainsworth) spoke about the need to take action now, and asked how we would bridge the gap between the €100 billion that European leaders have agreed on and the €400 billion that developing countries have said that they will require. We know that developing countries need to grow their capacity, as there is no way that we can throw such huge sums at this problem without enabling those countries to deal with and plan for the money's use. For that reason, there will be a lead-in period, with the €100 billion being distributed annually from 2020. In the run-up to that, funding streams from public funds will have to be increased, and I have spoken already about fast-track moneys.

The hon. Gentleman said that there was a strong argument for a carbon market and spoke about the potential of assistance in tackling deforestation through credits. Again, we agree with that and believe that ultimately it will be the way to raise the huge sums that will be required.

My hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) talked about the role of the carbon markets, and I pay tribute to him for the work that he has done in that regard. He also spoke about the nature of the agreement, a subject that I think I have dealt with already.

The right hon. Member for Suffolk, Coastal (Mr. Gummer) said that we needed more action by Government. He also spoke about HFCs, which I will come to later when I respond to my hon. Friend the Member for Eltham (Clive Efford). The right hon. Gentleman thought that it was a pity that we could not sign up to the 10:10 campaign, but we were being asked to commit the whole public sector and could not possibly mandate every school and hospital. However, we have certainly said that we will do as much as we can and that we will see whether we can increase our commitment.

My hon. Friend the Member for Morley and Rothwell (Colin Challen) was rather pessimistic and said that Copenhagen would be a missed opportunity, but I remind him that my right hon. Friend the Secretary of State has said that the talks will go to the wire. We are determined to do whatever is necessary to get there. My hon. Friend said that nuclear power would not be ready in time and that we did not have the renewable energy sources that we would need. He linked that to peaking emissions, but this country's emissions have already peaked. They will continue to come down, and we already have under way projects involving wind and other new technologies.

The right hon. Member for Hitchin and Harpenden (Mr. Lilley) criticised the Government for advertising to try to increase peoples' understanding of the problem, and then criticised us because people did not understand it. He cannot have it both ways—[Hon. Members: "Oh yes we can!"] Some Opposition Members say that he can have it both ways, but he cannot. He said that the majority of scientists may disagree with his point of view, and that is correct. That is where the global consensus comes from and no one has suggested that it is absolute. Of course there is variation in what people think, but we are going with the majority.

The right hon. Gentleman stated that the Met Office had not made data available, and we have taken steps to try to make that happen. The Met Office has written to all those who provided data to ask whether they will agree to release those data.

My hon. Friend the Member for Llanelli (Nia Griffith) made an excellent speech. As a great champion of renewables, she pleaded for more help for renewable energy in emerging markets, and of course that is something that we are giving.

The hon. Member for Angus (Mr. Weir) spoke about various matters with which I have already dealt, so I hope that he will accept my previous answers. My hon. Friend the Member for Eltham talked about HFCs. We

are pushing for a global agreement on a phase-down of HFCs. He might not think that that is enough, but that is the way to make progress. The process forms part of the Copenhagen agreement, and we will see that it is dealt with effectively there.

The hon. Member for Beverley and Holderness (Mr. Stuart) quite properly spoke about China and rightly praised the great efforts being made by that country, which we equally applaud. My hon. Friend the Member for Southampton, Test (Dr. Whitehead) paid welcome tribute to the Prime Minister's intervention on climate financing, for which we were grateful.

The hon. Member for Leominster (Bill Wiggin) made a passionate plea about orang-utans and palm oil exports. I will be examining that issue when I go to Sumatra next week. I have already met the industry, and I will talk to the country's Government when I get there.

My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) focused on the US and asked several what-if questions. I have to tell him that there is no plan B—we are going to Copenhagen to get a deal. We hope that the US will be able to do what is necessary, and until there is failure, we do not contemplate failure. He talked about aspects of the action that needs to be taken now on adaptation. We are doing things now; we are not waiting for Copenhagen. We are supplying money to the Congo basin, and we have got £800,000 into the climate investment funds.

My hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) spoke about the 10:10 campaign. I am glad that he is pleased about the £20 million and I have something more to tell him: the Department of Energy and Climate Change will be joining the 10:10 campaign as of today because we can sign up to a further effort.

Mr. Lilley *rose—*

Mr. Graham Stuart *rose—*

Joan Ruddock: I am not giving way; I am going to finish.

As my right hon. Friend the Secretary of State said as he opened the debate, we need an agreement that is ambitious, effective and fair. We have worked consistently here and abroad to advance such an agreement. We have accepted our own responsibilities by putting in place the first carbon budgets in the world, accepting ambitious binding targets and being willing to go further in the event of a deal. We have driven ambition across the EU. We have intervened on finance at a critical stage. We have worked with forest states to get deforestation into the agreement, and we have provided funding to get the adaptation fund operational. Our officials have worked around the clock to add their expertise to this massive endeavour.

No one should be surprised if at times frustration leads to pessimism when more than 100 nations sit down to grapple with more than 200 pages of negotiating text. However, few doubt that this is a deal that the world must have. I know, because I have had the privilege of going to Greenland and seeing for myself the melting Arctic sea ice. I know, because I have met Ursula, from the disappearing Carteret islands, who said:

"For leaders it is only a lifestyle change; for us it is life and death".

I know, because last week I heard the urgent plea of Vice-President Waheed from the Maldives when he asked assembled Ministers what he would tell his people if no deal was forthcoming.

We need a deal to save the land, lives and livelihoods of millions of people in the developing world, and we need a deal because climate change affects us too, with a cost to our economy, our environment and our security. However, climate change is not just a message of threats and potential disaster, although we must take that to heart. It is also a positive message—a call to a global transition to a low-carbon economy. It is a call to a world in which unprecedented co-operation will have to come about, to a world in which technologies are shared for mutual benefit and resources are properly conserved, and to a world that respects nature and provides us all with a safer, cleaner and greener place to live and work.

I thank hon. Members for the good wishes that they have given us today, because all that is what is at stake in the Copenhagen talks, and it is why we in this Government will do everything that we can to achieve the ambitious agreement that this world so desperately needs.

Question put and agreed to.

Resolved,

That this House has considered the matter of climate change: preparation for the Copenhagen climate change conference.

Business without Debate

NOTICES OF QUESTIONS

Ordered,

That, notwithstanding sub-paragraph (a) of the proviso to paragraph (5) of Standing Order No. 22 (Notices of questions, motions and amendments), notices of questions to the Secretary of State for Scotland for oral answer on Wednesday 25 November may be given on Wednesday 18 November.—*(Mary Creagh.)*

Regional Select Committee (London)

Motion made, and Question proposed,

That Ms Karen Buck, Jeremy Corbyn, Clive Efford, Siobhain McDonagh and Mr Andy Slaughter be members of the London Regional Select Committee.—*(Mary Creagh.)*

5.55 pm

Justine Greening (Putney) (Con): I wish to raise some objections to this motion. The House first considered the matter back in June, and at the time there was a wide-ranging debate involving Members from all parties. Many MPs expressed concerns about the creation of the London Regional Select Committee and the impact that it might have on London's devolved settlement, which is of course so very important to Londoners. Many Members were surprised that, having debated the issue in Parliament, it apparently disappeared from view for so many months. We kept an eye out to see what progress Ministers would make, and the Leader of the House was at the Dispatch Box to tell the Members in the Chamber on the day that we debated it how important she felt it would be in addressing what she called an "accountability gap" in London issues. Yet here we are, almost six months later, after no real progress and, all of a sudden the motion is brought before the House with no chance to debate it further.

So I want to take some time this evening once again to talk about the concerns that Opposition Members had. We were worried that the London Regional Select Committee would cost money. It is money that we as taxpayers should be saving or putting into supporting some of the many small businesses throughout London that are struggling to survive—particularly those that have been hit by the withdrawal of transitional relief in this year's rate bills, and those that are concerned about rises in next year's bills.

We also believe that there are better, more cost-effective alternatives to the Committee. One suggestion that I made to the Leader of the House, and which she never thoroughly addressed, was the possibility of creating London questions. London is one of a number of United Kingdom regions that have devolved government. Wales has its Wales questions and Scotland has its Scotland questions, but here in London we cannot have London questions. A London question session would be an opportunity for all London MPs to ask questions, whereas a London Regional Select Committee would be necessarily a much smaller group of London MPs, excluding other Members who would no doubt wish to be part of it. When we raised the issue back in June, the Government gave us no assurances that the Members on the Committee would even be London Members representing London communities, which I am sure you can imagine, Mr. Deputy Speaker, was a real concern for us.

There is no evidence that existing Select Committees do not look at London issues. If we look at the work that they have done over the past several years, we find that they have absolutely looked at London issues. The Select Committee on Transport has produced a report on the London congestion charge and the performance of London Underground; the Select Committee on Culture, Media and Sport has produced excellent and interesting reports on the London Olympics; the Select Committee on Education and Skills, when it existed, produced a report on skills in London; and I am sure that many Members will remember that only this year the Select Committee on Home Affairs produced a report on counter-terrorism and community relations in the aftermath of the London bombings. Select Committees have every ability to conduct positive and useful inquiries.

Clive Efford (Eltham) (Lab): I have listened to the hon. Lady with a great deal of interest, but what is she afraid of? She has called for the opportunity to ask questions on London, but she does not want the opportunity to cross-examine people who provide essential services to the people whom we represent. Surely that would be far more effective than a question-and-answer session.

Justine Greening: The hon. Gentleman makes an interesting point. However, surely that is the role of the London Assembly. He seems to have forgotten its existence, yet it was his Government who brought in the devolution settlement. If there are concerns about the accountability of the London Mayor, we should be strengthening the ability of the London Assembly to hold him to account. Instead, the Government have come up with an entirely spurious way of doing it—

Debate adjourned (Standing Order No. 9(3)).

Debate to be resumed on Monday 9 November.

Business without Debate

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Resumption of adjourned debate on Question (2 November),

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be added.

Hon. Members: Object.

Debate to be resumed on Monday 9 November.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Resumption of adjourned debate on Question (29 October),

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.

Hon. Members: Object.

Debate to be resumed on Monday 9 November.

PETITION

Equitable Life (Daventry)

6.1 pm

Mr. Tim Boswell (Daventry) (Con): I have the honour to present a petition on behalf of residents of the constituency of Daventry in respect of the parliamentary ombudsman's report on Equitable Life. The petitioners state that they are, represent or support members, former members or personal representatives of deceased members of Equitable Life Assurance Society. I should declare to the House that a member of my family is a former member of that society and a member of my staff is a current member of that society. The petitioners refer to the findings of the ombudsman, particularly in relation to matters concerning maladministration leading to injustice.

The petition states:

The Petition of residents of the constituency of Daventry in Northamptonshire,

Declares that the petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the Petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses and outrage.

The Petitioners therefore request that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying with the findings and recommendations of her Report upon Equitable Life.

And the Petitioners remain, etc.

[P000411]

Taxation (Gambling)

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

6.2 pm

Philip Davies (Shipley) (Con): I thank the Speaker for granting this important debate on the taxation of gambling. I hope that this brief canter round the course will not preclude him from allowing longer debates on a similar subject in Westminster Hall if requested in future.

Although I have no pecuniary interest to declare, I should declare that as a former bookmaker I have a great interest in the subject of gambling in general and the taxation of gambling in particular.

It is important to set the scene. The UK leisure industry employs 2.3 million people—9 per cent. of the UK work force—and accounts for 25 per cent. of all new jobs. There are 200,000 hospitality, leisure and gambling businesses in the UK, generating £85 billion per annum, or 6 per cent. of gross domestic product. It is Britain's sixth largest industry. The Exchequer receives more than £30 billion a year from the industry, and the gambling sector contributes more than £1.5 billion to the Exchequer in betting and gaming duty alone. The industry has an enviable reputation across the world for its regulatory regime and for the high-quality and responsible operators within it.

However, recent Budgets have imposed taxation rises on the gambling industry. In 2007, we had an increase in the casino tax bands; in 2006, we had the introduction of amusement machine licensing duty and VAT on fixed-odds betting terminals in licensed betting offices instead of gross profits tax at 15 per cent.; and in 2009, we had the introduction of casino duty at marginal rates on poker income. Also in 2009, we had an increase in bingo gross profits tax from 15 to 22 per cent.

I want to concentrate initially on bingo. It is an important fabric in the local community. More than 1 million people play regularly, at more than 500 clubs nationwide. It plays an important and positive part in local areas, through employment, charity work and, perhaps most importantly of all, social interaction for many people. A number of Government decisions have had a significant impact on bingo, resulting in more than 100 clubs closing since 2003. More have closed so far in 2009 than in the whole of 2008. For example, there has been the smoking ban, which had a devastating impact on bingo clubs, and the reregulation of machines. In that context the latest Budget, which removed VAT and increased the gross profits tax on bingo from 15 to 22 per cent., is the final nail in their coffin.

The Treasury's Red Book estimated that the changes made in the Budget would benefit the industry by approximately £15 million. In fact, the reverse has been the case. The Budget led to a tax increase on the industry of approximately £16.5 million. Perhaps the Exchequer Secretary can confirm whether the intention was to benefit the bingo industry, and whether she accepts that the Budget has actually resulted in a tax increase on it.

As the Exchequer Secretary knows, the Bingo Association commissioned Ernst and Young to understand the impact of the 2009 Budget on the bingo industry and seek clarity as to what the correct level of GPT should be to

[Philip Davies]

ensure consistency with the Red Book projections. The main findings of the Ernst and Young report were, first, that to achieve the Exchequer yield anticipated in the Red Book, the rate of GPT should have been set at 18 per cent. rather than 22 per cent.; secondly, that even the smallest single bingo club companies, which are the most vulnerable to closure, particularly in the current economic climate, will suffer an increased tax burden; and thirdly, that the effective rate of tax for bingo operators has increased from 23.6 per cent., which I believe was already too high, to 25.2 per cent.

The Treasury predicted that the loss to the Exchequer from the removal of VAT on participation fees would be £50 million in 2009-10, rising to £55 million in 2010-11. Ernst and Young believes that the real reduction was only £41.5 million, which is also based on a 17.5 per cent. VAT rate. That is why the increase in gross profits tax to compensate is way over the top.

We have to remember that those conclusions were based on the presumption that the bingo market would remain stable over the next two to three years. Unfortunately, due to the smoking ban and the recession, the closure of clubs means that that is probably wildly optimistic. That can be illustrated by the decline in tax receipts from the sector. Bingo duty receipts have fallen from £77.2 million in 2006, before the smoking ban, to £62.7 million in 2008. In the light of that trend, it is perhaps surprising that the Treasury has predicted an increase in duty receipts of £35 million by 2012.

Whatever the Government's motivation, and despite their desire to see tax receipts rise to do something about the national debt, the increased taxation burden will only mean more and more clubs closing, leading to higher unemployment and lower tax receipts for the Exchequer. Surely increasing taxes on bingo in that way is grossly unfair given its importance in many areas. To do so during the deepest recession since world war two can only be described as vindictive. Why has it happened? Is it because the Prime Minister is vehemently anti-gambling, even though he seems to be quite happy to gamble with the nation's finances? Is it because the Government fear the reaction of the *Daily Mail*? Or is it because this Labour Government are now so out of touch with their working-class roots that they no longer care about bingo or the people who play it?

Will the Exchequer Secretary tell me whether the Government accept the findings of Ernst and Young? If not, why not? If they do, what are they going to do to rectify the situation? I do not stand here to ask for preferential treatment for bingo. I merely ask that it be treated fairly in relation to other forms of gambling.

I shall move on to gaming machines, which also have an impact on bingo clubs. The Government are proposing to replace amusement machine licensing duty and VAT with a gross profits tax on machines. They claim that that will be consistent with other forms of gambling taxation and therefore be a simplification, and that it will be fiscally neutral rather than a tax-raising measure. However, the Government said that about the changes to GPT for bingo, so I hope the Minister understands why I am extremely sceptical that any such change would be fiscally neutral, as are many in the industry. I am afraid that the Government have completely lost their credibility and trust in that respect.

While we are on the subject of machines, may I make it clear to the Minister that machine income is now absolutely critical to preserving the futures of both bingo clubs and betting shops? Without machine income, many would go to the wall. On average, a third of both revenue and profit in bingo clubs, and about 40 per cent. of betting shop revenues, now comes from machines. Any tax increase would therefore be catastrophic for them, especially as roughly a quarter of betting shops now make less than £17,000 profit a year. Those shops, which make such low profits, still employ almost 10,000 people.

Mr. Don Foster (Bath) (LD): Will the hon. Gentleman remind the House whether there was an opportunity in 2003 to investigate GPT for machines? At that time, the Government dropped the proposal and said that they would not look at it again until conditions in the industry stabilised. Does he believe those have stabilised, or have they got worse, as he is describing?

Philip Davies: The hon. Gentleman makes a very good point and he is absolutely right—the state of the industry has not stabilised, but got worse. That only fuels the suspicion that the change is being made to try secretly to raise revenue rather than to help an industry that is on its knees.

I therefore urge the Minister not to make the change. The situation is extremely complicated anyway given the nature and category of machines, and tax differentials, which will probably be inevitable, will make it virtually impossible to come up with a fiscally neutral tax rate package. Getting the rate wrong would lead to very many job losses. The Association of British Bookmakers has predicted that the wrong rate could lead to almost 8,000 job losses in the bookmaking industry alone.

As we know, we are competing in an ever more globalised market, none more so than the online gambling industry. Businesses can locate themselves in the most tax-advantageous part of the world and operate from there, which is what we have seen happening in recent years.

The matter has now come to a head, with William Hill and Ladbrokes deciding to move their online betting facilities offshore. We should not criticise them for doing so. They have a duty to their shareholders and it has become totally unsustainable for them to keep their business here. For every £100 profit they make online, they will pay £1 or £2 in tax offshore, whereas they would pay £36 in the UK in a combination of GPT, VAT, corporation tax and horse racing levy. Clearly, it is an absolute no-brainer for them. Indeed, we should probably be grateful and surprised that William Hill and Ladbrokes have kept their online business onshore for so long, given that many of the firms that they compete with, which do not have shops in the UK, have been at such a competitive advantage for so long.

Surely the Government want to do something to bring those firms back onshore. They are missing out not only on tax revenues, but literally thousands of jobs that we could have here are instead being taken in places such as Gibraltar. Of course, the racing industry is missing out on the horse racing levy payments that bookmakers in this country pay. Even though the Government could realistically never have a tax regime as competitive as those offshore—especially taking the levy into account—I believe that there is sufficient good

will among bookmakers that many, if not all, would come back onshore if the UK tax regime was much more competitive than it is.

I do not believe that doing nothing is an option. I have already highlighted how so many betting shops are making barely any profit. Added to that, the telephone betting side of the industry is in rapid decline. Indeed, Ladbrokes has reported that its telephone betting revenues were down 41 per cent. in the first half of this year, and despite my very best efforts, it actually made a loss on that part of its business.

On the other hand, the online business has the potential for substantial growth. Therefore, may I suggest that the Minister speaks with bookmakers at the earliest opportunity to find a rate of tax that the Government could introduce to bring the online business back onshore? I suggest that that would need to be around the 2 to 3 per cent. mark. She may think that we cannot afford to reduce tax on online gambling by that amount and fear being criticised for encouraging gambling if she does so. However, it would not increase gambling, as people in the UK can already bet online with these firms. The Minister must also recognise that a tax of 15 per cent. on nothing yields nothing, whereas a tax rate of 2 to 3 per cent. on a business with a turnover in the billions of pounds would raise much needed revenue for the Treasury. It would lead to greater levels of employment, helping the people who got the jobs, increasing the tax take, reducing unemployment payments and giving the horse racing industry more income from the levy. In short, everybody would be a winner, except for the bookmakers who would face higher costs than they do offshore, but I still think that they would return to the UK if their online businesses were charged a more competitive rate of tax.

If the Minister remains sceptical on that point, I ask her to take a leaf out of the Prime Minister's book. When he was Chancellor, he faced a similar dilemma to the one that I have set out, back in 1999 when Victor Chandler moved his UK bookmaking operation to Gibraltar to avoid paying UK taxes, in particular general betting duty. That tax was payable on fixed-odds bookmakers and set at 6.75 per cent. It was effectively a levy on the stakes placed by customers. As more bookmakers from the UK moved to avoid this duty and more threatened to follow, the then Chancellor abolished general betting duty in 2001 and introduced the gross profits tax.

The Government need to act again to deal with this second wave of bookmakers moving abroad, and it is more important this time as more and more gambling moves online and less and less is carried out in the traditional arena of betting shops and telephone betting. It is also easier to regulate an industry based here. I hope that the Minister will reflect on the importance of the gambling industry to the UK economy, and will take advantage of the opportunities that I have outlined.

Bingo and betting shops play a very important role in the local community, and just as pubs have successfully demonstrated their importance in the local community, I hope that the Minister will accept that bingo halls and betting shops play a similar role for many people. I hope she will discuss these matters with the gambling industry and that the Chancellor will bring forward measures in the Budget to address these concerns. I look forward to hearing her response.

6.17 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): I congratulate the hon. Member for Shipley (Philip Davies) on securing the debate. I am glad to have the opportunity to continue the important discussion on the taxation of gambling. He mentioned three main issues—bingo clubs, gaming machines and online gambling—and I shall refer to all three.

The Government have worked hard in recent times to take on board the views of all interested parties with regard to gambling taxes. We continue to engage closely with relevant businesses and trade associations, including the Bingo Association. My officials and I enjoy a close working relationship with many gambling stakeholders, which helps to ensure that the Government can respond to industry challenges in a fair and appropriate manner.

As the hon. Gentleman will understand, I cannot use this debate to pre-empt any decision that my right hon. Friend the Chancellor may make on gambling taxation in the pre-Budget report or in next year's Budget. However, I am happy to talk generally about the Government's policy on gambling tax and reason for acting.

As the hon. Gentleman mentioned, numerous changes were made to the gambling tax regime at Budget 2009—bingo participation fees became VAT exempt, and bingo duty was increased to 22 per cent. For consistency, player-to-player gaming in casinos was made VAT exempt, and became liable to gaming duty. The Government also committed to consulting on the future of gaming machines taxation. The consultation began on 16 July and formally closed on 23 October. The responses are being analysed by my officials, who are clarifying information with the industry where necessary.

As I and my predecessors have told the House on many occasions, the Government recognise the importance of bingo clubs to their local communities, especially for the elderly and many women. As I have mentioned, since Budget 2009, bingo in licensed premises has been subject to bingo duty at 22 per cent. of gross profits. The changes in the Budget in 2009 continue a process of reform begun in 2003 when the bingo tax regime was considerably more complex and the tax burden higher. The hon. Gentleman asked for the reasons behind the changes in the Budget. The intention was simplification. We should remember that the effective tax rate for bingo in 2003 was about 35 per cent., and before the Budget was estimated to be about 24 to 25 per cent. Those estimates were formed from information provided by the bingo industry.

I would like to emphasise that the Government keep all aspects of the tax system under continuous review, and I have taken a keen interest in the taxation of bingo clubs during my time as Exchequer Secretary. As part of the usual pre-Budget process, I held numerous meetings with gambling groups, including the Bingo Association, and I have been in correspondence with many hon. Members regarding bingo tax. Over the summer, the Bingo Association provided more information to my officials on the impact of taxation on the bingo industry, including the Ernst and Young report that the hon. Gentleman mentioned. I had a meeting two or three weeks ago at which we discussed the content of that report.

[Sarah McCarthy-Fry]

I am sure that the hon. Gentleman understands that we need to analyse that information in detail and to take our time to ensure that it is accurate, given that the bingo industry is now saying that the information that it gave us before the Budget might not have been accurate. It is important that we analyse the document correctly. It is being analysed by my officials as we speak, and will of course be taken into account.

Regardless of any future decision on bingo taxation, the bingo industry has benefited from recent regulatory changes implemented by the Department for Culture, Media and Sport. Since February this year, bingo clubs have been able to offer up to eight category B3 gaming machines for play—an increase from four. Those changes could provide a boost to takings from gaming machines in bingo clubs.

I was also asked why we are looking again at gross profit tax on machines, given that we had the consultation in 2003 on gaming machines. The key reason for the decision not to go ahead with GPT on machines in 2003 was the uncertainty regarding the then Gambling Bill—it is now the Gambling Act 2005. The industry has now had a chance to adjust to the Act, and we are looking again at GPT. However, I stress that no decisions have been taken.

The consultation document proposed replacing the current duty-based regime with a tax based on gross profits. We have received responses from many industry groups, trade bodies, companies and individuals, and it is clear to me that this area arouses strong emotions. When I met industry representative groups in the Treasury, there was a divergence of opinions between them. Some were not averse to a gross profits tax in principle depending on the rates; other groups were totally opposed in principle.

For my own research, last week I visited two adult gaming centres and a seaside arcade in my constituency. I met the owners and operators, and we had a robust discussion about the consultation. All I can say is that we are currently analysing the responses received, and we will not take any decision lightly. No decisions have yet been taken, and all responses received will be given appropriate consideration. I thank the gambling industry and all individual businesses around the country for their engagement in the consultation process.

On offshore gambling, there is concern about the loss of tax revenue to the Exchequer and about differences in regulation between countries. Traditionally, gambling takes place mainly in bricks-and-mortar establishments, such as bingo halls, casinos and betting shops, and they are relatively easy for the tax system to deal with. The tax regime developed along place-of-supply principles, with operators based in the UK being liable for UK taxes. The growth first of telephone betting and, more recently, of internet gambling, presents considerable challenges to the tax regime, with remote operators based in other jurisdictions falling outside the domestic tax net. Reforms to betting tax in 2001, which moved taxation on to a gross profits tax basis, were intended to modernise the tax regime and create an incentive for the major UK bookmakers to grow their emerging internet operations from a UK base.

We are disappointed by the commercial decisions of a number of major UK bookmakers earlier this year to move their internet betting operations offshore for tax purposes. However, it would be self-defeating to engage in a race to the bottom in tax rates with low-tax jurisdictions. We believe that the UK continues to offer one of the most competitive business tax regimes of any major economy, while also having a highly skilled work force, world-class infrastructure, and the internationalism and openness that make us a leading international base for business. I assure the hon. Gentleman that I will continue to engage with the industry as I conduct my regular stakeholder consultations.

When we introduced remote gaming duty in 2007, we looked closely at the options for taxing offshore operators on the basis of place of consumption. However, we concluded that it would be difficult to ensure compliance with any such regime without co-ordinated international agreement. We believe that that remains the case today.

As I have said, we need to keep the offshoring of gambling firms under close review. Indeed, the issue of offshore and remote gambling goes far beyond taxation. The Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), who has responsibility for sport, announced that he would conduct a review of remote gambling legislation in the UK and report to Parliament before the end of this year. The review will explore ways to make the system of gambling regulation in Britain fairer, to ensure a more level playing field between British businesses and their overseas counterparts. The review will rightly be led by the Department for Culture, Media and Sport, but my officials will be in regular contact with representatives from DCMS throughout. As I have said, the Treasury will continue to look carefully at the issues from a tax perspective.

Some hon. Members—they include my hon. Friend the Member for Luton, North (Kelvin Hopkins), but no hon. Member who has spoken this evening—have suggested that the tax regime for gambling should explicitly reflect some measure of problem gambling, either directly, on the basis of harm, or on the basis of risk of harm. That has never been the Government's policy on gambling tax. However, we take problem gambling extremely seriously. The regulation of the gambling industry is, of course, the responsibility of DCMS. Although for the majority of people gambling is an entertaining pastime that does not present any problems, there are a significant number for whom it is anything but.

The Government fully recognise that. It should be reiterated that the protection of children and the vulnerable from the potential harm of problem gambling remains central to our approach to gambling regulation. For example, through operating licences, the Gambling Commission licenses and regulates all those who offer gaming to the general public. Further protections for consumers are secured in the Gambling Commission's licensing conditions and code of practice, which include specific provisions on issues such as under-age gambling and problem gambling, through requirements relating to supervision, access, staff training and self-exclusion.

Philip Davies: Does the Minister accept that the gambling industry makes a voluntary contribution of £5 million a year to the Responsibility in Gambling Trust? That is unlike the behaviour of any other industry. ASDA, which I used to work for, sells creams cakes, which no doubt lead to obesity. However, as far as I

know, ASDA does not give any money towards tackling obesity. The gambling industry does more in that way than any other industry like it.

Sarah McCarthy-Fry: We certainly recognise and value the gambling industry's contribution from that £5 million, which helps with the protection that the hon. Gentleman has talked about.

When considering gambling tax rates, we take all factors into account, including problem gambling considerations, as well as the impact of taxation on individual gambling sectors and the state of the public finances. Although an important consideration, any assessment of the risk of problem gambling is only one of many considerations that must be taken before decisions are taken on tax.

In conclusion, it is clear that the gambling industry faces a challenging and changing environment. It must react to the smoking ban and the implementation of the 2005 Act, as well as the wider trends of structural change across the leisure sector, including the increasing use of the internet and remote communications, particularly by young people. In addition, the industry will have to manage any issues exacerbated by the current economic climate, as all sectors of the economy must. As I have said, we remain committed to clear, open engagement with the industry, and will continue to keep all gambling tax regimes under review.

Philip Davies: When the Minister looks into the taxation of gambling, will she also commit to taking into account the concerns of many operators about the increased level of fees charged by the Gambling Commission?

Sarah McCarthy-Fry: That is obviously a matter for regulation, but, as I have said, we have to work closely with DCMS when we are setting tax policy, and we have to take those regulatory items into account.

I hope that the gambling industry will continue to engage with us in the same helpful and professional manner that I have become accustomed to since I took on this responsibility.

Question put and agreed to.

6.30 pm

House adjourned.

Westminster Hall

Tuesday 27 October 2009

[DAVID TAYLOR *in the Chair*]

Biofuels

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mark Tami.)*

9.30 am

Anne Main (St. Albans) (Con): It is a delight to serve under your chairmanship this morning, Mr. Taylor.

This is a niche debate and has been described by some people as chip fat and bonkers anomalies in regulations. I am hoping that we can move on somewhat from that, as the debate concerns a valuable fuel source that we should be considering as a contribution to reducing our carbon footprint and meeting some of our stringent obligations.

There is some dispute about the environmental impact of producing some biofuels, and Friends of the Earth raised some concerns in April, pointing out some worrying information that it had come up with during research on biofuels. Soy crops from the United States, Argentina and Brazil are used in the most common UK biodiesels and all contribute to the deforestation problem. The Friends of the Earth study assumed that 10 per cent. of the food crops displaced by biofuels would be pushed on to land created by clearing forests. The researchers allocated the additional land to various agricultural uses and calculated the resulting extra emissions using established models. For example, clearing 1 hectare of Amazonian rain forest can release up to 1,000 tonnes of carbon dioxide into the atmosphere, according to the United Nations Intergovernmental Panel on Climate Change.

In response to those concerns, a spokesman for the Department for Transport recognised that there was some controversy and, while acknowledging that the biofuels evidence is evolving, said:

"What is not in dispute is the need to develop new, cleaner fuels and break our dependence on oil if we are to tackle climate change.

Some biofuels have the potential to help us achieve this. So whilst there is no case for pushing forward indiscriminately on those that may do more harm than good, it would be foolish to ignore any potential they do have.

We have always been clear that biofuels can only make a useful contribution to mitigating climate change if they are sustainably produced."

That is the crux of today's debate. Are we foolishly ignoring a potential biofuel that is indeed extremely sustainable and sustainably produced?

Few would argue that the production of biodiesel through the recycling of used cooking oil of UK origin is not a sustainable way to produce energy. We have only to look at our high streets to see how many restaurants and fast food premises use large quantities of cooking oils and fats, which then become a waste product—quite a tricky waste product, which is costly to deal with and dispose of. Within the manufacturing industries, the use of fats and oils is also huge. Significant quantities of waste food oils result from processing. It cannot be stressed too often that those oils have already been produced and used for food, and have become a waste product. In the domestic environment they are often literally poured down the drain, much to the annoyance of plumbers and other people who have to come and unblock those drains.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Is my hon. Friend aware that in Royston, in my constituency, a flood was caused by a build-up of fats, oils and greases, as she describes? It caused misery to many people, and Anglian Water has now started a fats, oils and greases campaign in Royston, to encourage people to recycle their cooking oils exactly as she suggests.

Anne Main: I thank my hon. Friend for that welcome intervention, because I was not going to major on the domestic aspect of cooking oil. If the technology were to take off, waste cooking oils and fats from households could easily be collected. After all, we are all being encouraged to recycle as many as possible of the putrescibles and other products of family living. My hon. Friend is right: pouring the oil down the drain can cause enormous problems, and if we can get the technology to take off and become sustainable, we can end those problems at the same time. That would be a win-win for all.

I am sure that few hon. Members would disagree that simply disposing of the waste oils—I am thinking mostly of the commercial side of things—is not the best use of a valuable recyclable resource. To discuss the issue, I recently met Richard O'Keefe, the director of Green2Go—a company established in 2007 to provide renewable and sustainable heat and power solutions. Green2Go is a key proponent of the method of using recycled cooking oils that I am discussing. It estimates that about 250 million litres of used cooking oil is available from commercial sources, leaving aside the domestic sources that my hon. Friend has referred to, which also produce significant amounts. Green2Go pointed out that the oil could be used to generate about 1 billion kWh of electricity a year. That is a significant amount of energy and would make significant carbon savings, and that potential is mostly wasted at the moment.

I was shocked, when the figures were explained to me, at the sheer volume of cooking oil that appears to be available to us as a resource. We may think of the chip pan fryer at home and say that we do not use it any more; many of us do not, because of oven chips and the like. However, there is no getting away from the fact that commercial production of crisps, biscuits and other products routinely found in supermarkets and in high street takeaways and fast food outlets results in masses of used cooking oil. Under current legislation, that oil is not fully utilised.

Martin Horwood (Cheltenham) (LD): The hon. Lady identifies an important point. Does she agree that a ludicrous aspect of the situation is the fact that not only do we import unsustainable biofuel, but companies such as Green Fuels in Gloucestershire that provide the technology to convert the enormous wealth of surplus cooking oil into a sustainable biofuel, find that their UK market has collapsed, and they are exporting the technology as well?

Anne Main: I thank the hon. Gentleman for pointing that out. I was not going to go too much into the collapse of the biofuel industry, but the point is a valuable one. Germany formerly had full tax exemption on liquid biofuels, and now, because the Government wanted to go back to getting the tax on it and increased it, the technology is starting to collapse. Unless there is a sustainable market, and where something is becoming price-sensitive, things will happen exactly as the hon. Gentleman said. We shall export the technology and oils and will not have a market here. In Germany, since 2009 and the Government's decision to take the retrograde step of imposing high taxation on biofuels, more German biodiesel plants have faced closure. We must be sensitive to the impact on an industry that I am sure the hon. Gentleman would want to grow in his constituency. It would be a great thing for his constituency and the UK as a whole if we were not to export that resource and technology and if we were not to do anything to jeopardise that growing industry. Waste oil is not fully utilised because of current legislation.

Biodiesel manufactured from used cooking oil is a particularly sustainable renewable fuel. It can reduce life cycle carbon emissions by 90 per cent. As used cooking oil is a genuine waste product, which would have to be disposed of by professional collectors, at significant cost, it does not cause any additional deforestation, such as that which caused concern to Friends of the Earth. Neither does it lead to changes of land use in developing countries, away from the crops that they should be growing for their own use and towards fuel crops, which is another effect about which concern has been expressed. Consequently, the fuel is one of the lowest-carbon forms of biodiesel available to us. Converting used cooking oil that might otherwise have gone to landfill to biodiesel is an excellent example of the production of a truly sustainable biofuel. It contributes to reducing carbon emissions and minimising waste and landfill, which I hope we are trying to move away from.

Mr. John Leech (Manchester, Withington) (LD): Does the hon. Lady agree that what she proposes would be a good way to try to reduce the dumping of oils? I am sure that in her area, exactly as in mine, many unscrupulous people dump used oil in the drainage system, polluting the water system, rather than paying for its disposal.

Anne Main: We are somewhat beset by fly-tipping in St. Albans, but thankfully, we do not have that problem. However, it is something that has been brought to my attention. Used oil is not only poured down the drains, but left in cans by the side of the road and dumped in inappropriate areas. That is a big problem. In these hard-pressed economic times, we are likely to see more fly-tipping and—I hate to say it—unscrupulous outlets that use cooking oil may be tempted to do what the hon. Gentleman mentions, instead of paying to have used oil taken away.

As I say, used cooking oil is a waste product; there is no resulting pressure on land use and no impact on food prices, and vital resources are not diverted from a valuable existing use. The Renewable Fuel Agency calculates that the default carbon saving from using it is about 85 per cent. That is much higher than the saving of 46 per cent. realised from using palm oil or American soy, which are often used as biodiesel in the UK. Ensuring that used cooking oil is collected and used as a biofuel will, as hon. Members have pointed out, do away with the considerable cost to utility companies of clearing drains and sewers that have been blocked with improperly disposed of oil.

Biodiesel production in the UK in 2007 stood at 484 million litres against that year's diesel market of 24 billion litres. Approximately 40 million litres of biodiesel are currently produced from UK cooking oil every year. Methanol is commonly used to produce biodiesel from used cooking oil. However, in March 2009, Ofgem reversed an earlier decision, ruling that using methanol made from natural gas in the production of biodiesel would prevent that fuel from being included in the renewables obligation scheme. That is the rub, and the reason for today's debate. As the hon. Member for Cheltenham (Martin Horwood) pointed out, anything done to jeopardise the making of biodiesel from sustainable fuels, such as cooking oil, will have the same effect as in Germany and biodiesel production will collapse.

Ofgem's 2009 ruling, made following consultation and discussions with the Department of Energy and Climate Change, results from the presence of a small proportion of fossil fuel in some biodiesels derived from methanol. The ruling is based on a literal interpretation of the law, which classes the entirety of biodiesel produced in that way as a fossil fuel, even though the proportion of fossil fuel within the blend is small. Under our interpretation of article 9 of the renewables obligation, it is entirely a fossil fuel, despite the fact that the fossil fuel element is potentially only 11 per cent. by mass: nearly 90 per cent. is a truly sustainable and reclaimed resource.

The UK biofuels industry believes that Ofgem's ruling on biodiesel is likely to have a significant effect on the UK industry and that it will have ramifications for the future domestic supply of renewable energy. That is the crux of today's debate. Are we truly committed to moving away from fossil fuels? If so, why are we standing by? We can see the fuel's potential, but if nothing happens, the industry will collapse.

UK energy production has been set ambitious long-term targets for renewable sources, yet many feel that the renewables obligation, or at least Ofgem's interpretation of it, offers no incentive for using that form of renewable fuel in the generation of electricity and heat. Without incentives, I doubt whether any of us would do anything in life. We cannot expect people to make the investment necessary for making renewable fuels if there is no incentive for people to use them.

The renewables obligation came into effect in April 2002 to support renewable electricity projects. Under the obligation, suppliers are required to meet their obligations by presenting sufficient renewable obligation certificates—ROCs. They are green certificates issued to accredited generators for the eligible renewable electricity that they generate. The 2008 consultation by Ofgem that led to its 2009 decision focused on the detail that the methanol used in the process was normally derived from natural gas—itself a fossil fuel. Ofgem therefore said that it was difficult to view biodiesel made in that way as a renewable fuel. That is where we are now.

Given that Ofgem cannot treat the biofuel as being renewable, as set out under the Electricity Act 1989 and in specific parts of the 2007 renewables obligation order,

the fuel is not eligible for an ROC. Instead, Ofgem argued that biodiesel produced from that reagent would, in turn, fall within the term "fossil fuel" under article 9 of the renewables obligation. It concluded that biodiesel produced in that way should be classed as fossil fuel generation under articles 9 and 18. This is a technical and literal interpretation, but the man in the street would say that it was nonsense. The public would not want such a waste product—something that we pour down the drains, and cannot wait to dump, get rid of or export—suddenly to be turned into what many would regard as something that could have been dug out of the ground or that had cost a lot of money to find.

Ofgem's ruling stated that, if fossil-fuel derived alcohols are used, no renewable obligation certificates will be issued, even for the biomass-derived portion of the biodiesel. That is illogical. We should allow 90 per cent. of the ROC, because 10 per cent. had not been made from reclaimed fuel. To have nothing at all makes a nonsense of the situation. Electricity generators therefore cannot receive renewable obligation certificates on electricity produced from recycled cooking oil, despite the fact that the fossil-fuel element of the fuel produced in that way is comparatively small and that the majority of the fuel is from a recycled waste stream.

There was widespread industry reaction to the Ofgem ruling, based on the fact that exclusion from the scheme would not encourage the generation of renewable energy, and Ofgem concluded that its ruling ran counter to the desires of the majority of respondents to the 2008 consultation. Again, the public will wonder why on earth there should be consultation when what is done runs counter to it; they will ask what the point was of consulting. Ofgem has further admitted that the issues raised by many of the respondents were policy decisions of the Department of Energy and Climate Change and outside Ofgem's remit in its role as administrator of the scheme. I think of the greenhouse gas and societal benefits that biodiesel can claim over fossil fuel.

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I am not a chemist; nevertheless, I know that the methanol on which Ofgem has ruled is not 100 per cent. renewable, as it comes from natural gas, which is at source a fossil fuel. Is there not a renewable source of methanol that the industry could use in place of that produced from natural gas?

Anne Main: I am not a chemist either. However, it has been pointed out to me—this point comes in my brief in about three lines; the Minister anticipates my speech—that there are such bioethanols, but that it costs five times more to use them. There are alternatives, but that takes us back to the German example. If we start making such fuels totally cost-inefficient, it will not happen. The alternatives are costly, which will add pressure to the industry.

Renewable companies have made extensive efforts to address the requirements of the Ofgem ruling with attempts to source recycled methanol—itself a waste product. The use of recycled methanol is encouraged elsewhere in Europe and certified by the European Union as a sustainable second-generation fuel. However, the Ofgem ruling excludes the biodiesel from the renewables obligation scheme despite contributing to renewables generation and waste re-use. The recycled methanol is not acceptable either.

I raised the matter only 10 days ago at a meeting of the Select Committee on Energy and Climate Change, which was discussing low-carbon technologies in a green economy with Greg Archer of the Low Carbon Vehicle Partnership. Mr. Archer did not hold back, describing the situation as a "bonkers anomaly". He is not the only expert who has misgivings about the situation. The Renewable Energy Association—the industry body for renewables in the UK—agreed that the anomaly could be counter-productive. It stated in its response to the Ofgem consultation that, even if those substances could be interpreted as fossil fuels under the legislation, it

"does not make them fossil fuels. It simply demonstrates that the legislation is poorly drafted."

The association went on to criticise the drafting of the legislation on the matter, pointing out that

"The ceasing of issue of Renewables Obligation Certificates for a fuel that was formerly regarded as renewable (and for which Renewables Obligation Certificates have been issued in the past) undermines investor confidence in the Renewables Obligation... Any continued adherence to poor drafting, when it has been demonstrated to be poor drafting, undermines investor confidence in the Renewables Obligation".

There we have it—poor drafting and the bonkers anomaly have undermined investor confidence. Energy producer E.ON backed that view and stated in its response to the consultation that it is

"considered an anomaly that these fuels should be classified as fossil fuels when they are almost entirely of biomass origin. However, it is accepted that the existing legislation can be interpreted in this way. Excluding these biomass fuels from the Renewables Obligation would reduce their utilisation within industry, and could potentially hinder the advancement of novel technologies... The ultimate aim of the Renewables Obligation is to incentivise CO_2 emissions reduction, but the exclusion of these fuels could in fact lead to CO_2 emissions increases, as less fossil fuel would be displaced by biodiesel and/or glycerol.."

EDF Energy's response to the consultation also supported that view. It stated:

"We would support amending the legislation to allow biodiesel to be treated as 100 per cent. biomass within the Renewables Obligation legislation."

The Renewable Energy Association also raises questions about the ability of the ruling to interact with the draft renewable energy directive from the European Commission. It stated:

"It is questionable whether it will be permissible for the RO to exclude biodiesel...after April 2010."

In July, in a response on this very issue to the hon. Member for Lewes (Norman Baker), the Under-Secretary of State for Energy and Climate Change was somewhat evasive when he stated—

Mr. Kidney: Is that me you are talking about?

Anne Main: In the nicest way.

Mr. Kidney: On a point of order, Mr. Taylor. Is it parliamentary language to describe me as evasive?

David Taylor (in the Chair): If the hon. Lady wishes to withdraw or amend that remark, it might be helpful to the Chamber.

Anne Main: If it helps the Minister, I will amend my remark and say that he was somewhat unclear when he stated:

"In practice the ruling by Ofgem is not expected to alter the production of biofuels from used cooking oils to a great extent."

Therefore, he did not expect it to happen, but the industry is telling us that it did. However, it was at least acknowledged by the Minister, who was being somewhat unclear, that the Government

"are currently considering whether the implementation of the Renewable Energy Directive into national law has implications for the treatment of biodiesel under the Renewables Obligation."—[*Official Report*, 21 July 2009; Vol. 496, c. 1625W]

So it is obvious that the Government are fully aware of the anomaly surrounding biofuels from cooking oils, yet they do not appear to have any great impetus behind wishing to alter that unsatisfactory anomaly, and that is restricting the UK's ability to maximise the use of a genuinely sustainable resource: used cooking oils. That indecision on behalf of the Government to alter the Ofgem ruling is not without cost to the renewable energy industry. I am told that the Ofgem ruling is already having a significant effect on the UK's renewable energy industry that, alongside other challenges, could cause many small innovative producers to go out of business.

Although producers have moved ahead with the use of biomethanol and bioethanol, which are allowed under the Ofgem ruling, it is a much more costly alternative, which adds further pressure to the already struggling industry and has led to a significant number of microgeneration schemes being halted. I cannot believe that the Minister did not expect it to have a poor effect on the industry. If he can hear from the industry itself that a significant number of microgeneration schemes are being halted, are struggling or are worried about their future, I hope that today he may give us the impetus that is lacking. The negative effect of the ruling is, I am told, putting the UK at a competitive disadvantage, which is surely something that none of us wants in these difficult economic times. By comparison, other countries, such as Germany and the United States, are committed to supporting their domestic renewables industries.

I understand from talking to the industries that are interested in using such biofuel that British used cooking oil is being exported at considerable cost and use of resources. I seem to be going right back to the beginning of my speech. We are importing soy and palm oil and other oils into our country to turn into biofuel, and we are exporting what is our own resource in this country. Many companies on the continent or elsewhere are not affected by the ruling. Germany's decision was of its own making. I understand that approximately half the biodiesel used on UK roads is being produced outside the UK and mainly in the US.

It seems to me that Ofgem has been criticised for the current situation. However, it has only been interpreting the legislation as it stands. As we have learned, used cooking oil can produce significant carbon savings and is an excellent way to use a waste product and to create energy. However, it seems that it is uneconomic for many producers to do so at present, because of the bonkers anomaly that has been pointed out. I therefore wonder whether the Minister would consider re-examining speedily—in fact now—the legislation that covers the treatment of biodiesel produced from used cooking oil. We need to iron out the anomaly. Pushing it into the long grass is, in effect, condemning this emerging industry to failure.

I should welcome a statement on the implementation of the renewable energy directive into national law. I also feel that there is an argument for a much clearer distinction between sustainable and non-sustainable biofuels in Government policy and for the Government to incentivise the production of the latter group more effectively, such as through the new proposed feed-in tariffs for electricity generation.

I want to conclude this debate by restating the views of the Department for Transport. In April 2009, it said that

"there is no case for pushing forward indiscriminately on those that [biofuels] may do more harm than good, it would be foolish to ignore any potential that they do have."

I do not believe that the Minister today wishes to be, in the words of the Department for Transport, foolish, or indeed, in the words of the industry, bonkers. I believe that he wishes to be incisive and decisive and to cut through this vague anomaly. I should like to hear from him that UK biofuels from recycled cooking oils have a rosy future and that we can look forward to a greener future, because action has been taken to do away with something that was never intended in the drafting of the legislation.

9.57 am

Mr. Oliver Heald (North-East Hertfordshire) (Con): I want to make one brief point in support of my hon. Friend the Member for St. Albans (Anne Main), whom I congratulate on obtaining this important debate. It relates to what happens if we do not recycle cooking fats, oils and greases. In my constituency in Royston, we have a thriving night-time economy. There are 30 places in which one can go out to eat a meal. In fact, there is one for every day of a typical month. Many of the restaurants, particularly the newer take-aways, use fats not just for chips but for any manner of stir frys and other meals. The proprietors of such establishments do not want to cause any environmental problem and would like to be responsible, but the issue has not been adequately highlighted.

In Royston, the main town drain became very blocked with fats, oils and greases. About two years ago, we had a flood that damaged a number of homes. A number of people had to leave their houses while they were repaired. When the blockage was investigated, it was found that there had been a build-up of fats, oils and greases and 10 tonnes were removed from the pipes at the end of the town drain. That issue has now been highlighted.

Anglian Water put a great deal of effort into looking into what happened and seeing what the way forward was. It has promised to monitor that particular area of piping annually, which is welcome. Moreover, it has started a major campaign on fats, oils and greases to persuade and explain to people who own restaurants and take-aways that they can dispose of the fats and greases responsibly. Companies have come to Royston and offered to take away the fats, oils and greases and to recycle them.

Gregory Barker (Bexhill and Battle) (Con): My hon. Friend highlights the important issue of the illegal or careless disposal of cooking fats and greases—what one

might call fly-dripping. Ultimately, those costs will not be picked up by Anglian Water, or another water company, but will be socialised and paid by all people who have a water utility bill. Has Anglian Water estimated the cost of such clean-up activities in my hon. Friend's constituency?

Mr. Heald: My hon. Friend makes a useful point, which I will investigate. I do not know what the figure is, but I know that this problem has happened elsewhere. I believe that in Southend, a fats, oil and greases campaign was needed to tackle the problem of the night-time economy. In general, the citizens of Royston, including me, are relatively responsible in how we dispose of our fats, but there is a case for wider public information.

About a year ago, I was at the launch of a campaign that demonstrated ways in which the domestic user could use their fats to create food for birds, for example, or at least dispose of them in a way that would not block the drains. This is an issue of solidarity between people in a town. If the result of a build-up of fats, oils and grease is that people's homes are flooded, everybody has a duty to act responsibly. If we can help the environment at the same time by recycling those products, that is better still. I just wanted to make a short contribution in support of my hon. Friend the Member for St. Albans, and to say that it is important to look at ways of avoiding such build-ups and floods.

10.1 am

Mark Hunter (Cheadle) (LD): Let me say what a pleasure it is to have the opportunity of contributing to the debate under your chairmanship, Mr. Taylor. I also want to compliment the hon. Member for St. Albans (Anne Main) on securing this important debate.

This is not the first time that the House has addressed these issues, and I dare say it will not be the last. In June last year, I contributed to a debate in Westminster Hall following the production of a report by the Environmental Audit Committee on biofuels. I think I was the only person present on that day who is present in the Chamber today, and I will repeat one brief comment that I made, because it gives a clear indication of the Liberal Democrat position on this matter.

At the time, the Environmental Audit Committee called for a moratorium on biofuel development. Our stated position was not to support that call, because we believed that there was an important role for good, sustainable biofuels to play in the UK transport fuel market. Abandoning targets completely, which was being proposed at the time, would have been a step backwards for the UK's sustainable energy industry and its ability to control its carbon footprint.

That was in June 2008, but things have moved on. That debate was quickly followed by the Gallagher review, which has already been referred to. My hon. Friend the Member for Lewes (Norman Baker) said in July 2008, after the publication of that review, that

"the broad conclusion that we should not abandon but amend the policy on biofuels is correct. Clearly, some biofuels are being produced unsustainably, but we should not throw out the biofuel baby with the bathwater, as some apparently would wish."—[*Official Report*, 7 July 2008; Vol. 478, c. 1173.]

I would like to make three comments. The first is on the distinction between first and second-generation biofuels, which is hugely important. The second point concerns the 20p tax differential, which is key to the debate, and my third point is on the desirability of consistency in Government policy.

I will start with the distinction between first and second-generation biofuels—a distinction that is sometimes lost in the wider debate. Those of us interested in biofuels, who have attended the debates and done the research, understand that there is a hugely important difference. As we have heard, some first-generation biofuels, such as biodiesels, are produced from animal fats. There is also rapeseed oil, palm oil and bioethanol, which is produced by fermenting any kind of food stock, including cereals such as wheat, barely, sugar cane and maize. Those are the most controversial types of biofuel, and the Liberal Democrats have said that much more research is needed on them.

There are concerns about many of the first-generation biofuels. They contribute to higher food prices due to competition with food crops. They are an expensive option for energy security, if one takes into account total production costs when Government grants and subsidies are excluded. They do not meet the claimed environmental benefits, because the biomass feed stock might not always be produced sustainably. In many cases, they accelerate deforestation, and there are other possible indirect effects on land use to be accounted for. They have a potentially negative impact on biodiversity, and they compete for scarce water resources in some regions of the world.

Therefore, there are many serious questions to ask about first-generation biofuels. That is why it is important to distinguish them from second-generation biofuels—about which we now hear much more—which are those biofuels produced from crop and forest residues and non-food energy crops. Second-generation biofuels include those from recycled substances, such as those that feature in this debate. In my opinion and, I guess, in that of most hon. Members, they are far less controversial. We are supportive of second-generation biofuels, not least because they do not compete with other crops.

Anne Main: The hon. Gentleman makes a valid point about the distinction between the two types of biofuel. Does he believe that the public have enough information? Have they been buying into the headlines that we have seen screeching about some of the non-sustainable biofuels? Could the public be more educated about the differences between the two? It is an important difference that I am not sure is always highlighted as well as he would like.

Mark Hunter: The hon. Lady makes a fair point. When I introduced the distinction between first and second-generation biofuels, I said that I do not think that it is widely understood by the great public out there, who have many other concerns to occupy them. It is an important distinction, and I think that more could be done. I look not only to the Government, but to industry and to all of us. We share responsibility for trying to educate the public about the distinction between first-generation biofuels, where the case is not satisfactorily made, and second-generation biofuels, which most of us in the House would agree have a future. Her point was well made.

My second point relates to the 20p tax differential. As we know, the Government have decided to abolish the current 20p per litre duty differential for biodiesel in

[Mark Hunter]

2010. That will make biodiesel significantly more expensive than road fossil fuels, and therefore it will become commercially unviable in many instances. In short, it will hinder the development of the biofuel market as a whole, when we should be doing more to encourage it.

Since coming into effect in 2002, the 20p mechanism has enabled the commercial supply of some biofuels to the UK market. That has given many consumers the opportunity to run their vehicles on biofuels or biofuel blends. In combination with other measures, which include regional capital grants, that has led to the construction—and planned construction—of some biodiesel plants. There are indications that the product might be exported abroad. Sales of biodiesel rose dramatically following the introduction of that incentive, but since early 2003, they have been relatively static, fluctuating between 1 million and 3 million litres a month.

The key point is that it depends on the biofuel. We oppose the abolition of the 20p differential where genuinely sustainable—that is, second-generation—biofuels are concerned. In our view, it will not help the biofuel industry to grow and might hinder its development, which will not help in the long term.

My third and final point relates to consistency in Government policy and the stopping and starting that has gone on over many years. It is fair to say that the Government's biofuels policies have chopped and changed constantly in the past couple of years. The 20p differential is one instance, and the Gallagher review is a second. I emphasise that point. My hon. Friend the Member for Cheltenham (Martin Horwood), who is not, sadly, in his seat any longer, mentioned a drop in UK sales for companies involved in the manufacture of equipment for biodiesel plants. The statistics ought to scare all of us. GreenFuels Ltd, the world's largest small-scale biodiesel equipment manufacturer, has seen a drop in UK sales of more than £1 million in the past 12 months and is now focusing primarily on exports. That is a sad statement, but it is true.

The Government cannot keep stopping and starting. It is not fair to the industry. We need more consistency. It is time for the Government to decide their line and to stick to it.

10.11 am

Gregory Barker (Bexhill and Battle) (Con): It is a pleasure to serve under your chairmanship, Mr. Taylor. This has been a short but excellent debate. I praise my hon. Friend the Member for St. Albans (Anne Main) not only for securing this debate but for clearly articulating the issues in a way that will be readily understood by people outside Westminster and the narrow biofuels debate as involving obvious and common-sense points. That is greatly to her credit, and is perhaps overdue in the debate on this issue generally. I congratulate her.

We have heard two other likewise worthwhile and sensible contributions. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) highlighted the damage that wasteful or thoughtless disposal of cooking fats and greases can do. It is often inadvertent, not deliberate, but fats build up over time and can end up not just doing damage to our sewerage infrastructure, which is crumbling in many places and could well do without the added stress, but welling up and giving rise to floods that inflict misery and financial damage on families. I know that my hon. Friend has done a lot of work in his constituency to ensure that such families get the help that they need. I am also sympathetic to the sensible points made by the hon. Member for Cheadle (Mark Hunter), who highlighted a number of issues that must be addressed.

I hope not to go over the same ground too much but to examine some of the issues behind this debate. *[Interruption.]* The reason why I am struggling is that I am trying an environmental innovation by printing my speech on both sides of the paper. If I keep getting confused and muddled as I go through, Mr. Taylor, I hope that you will understand that this rather fumbling performance is due to a commitment to the environment rather than just my ineptitude.

We hear increasingly frequently from politicians and the media about the opportunities of climate change, the benefits from a shift to a low-carbon economy that will come to investors, innovators and entrepreneurs alike and the dangers of climate change if we do not act decisively. It is easy to imagine that the starting gun has only just been fired in the scramble to beat climate change and develop new low-carbon business sectors, but that would overlook the small but world-class UK cooking oil recycling business, which has been going for quite a long time. As my hon. Friend the Member for St. Albans said, it produces approximately 40 million litres of biodiesel from spent cooking oil each year. Entrepreneurs up and down the country have seen the opportunities that lie in exploiting clean, safe energy from waste technology.

I believe that in the 21st century, resource efficiency—by which I mean the careful and efficient economic use of all resources, including waste resources—will be a key benchmark of a globally competitive and successful economy. Many of the wasteful business practices of the last century simply will not be sustainable economically, let alone environmentally, in this century. I hope to have the chance to put a couple of innovators into the context of the broader challenges and look ahead to their future.

Ultimately, both ethanol recycled from industrial processes and biodiesel recycled from cooking oils perform the same essential functions: to extract the energy value of what would otherwise be waste products, reduce fossil fuel-derived emissions and make a profit. It must be worth while. Whether it involves reclaimed energy from household waste through anaerobic digestion, which the national grid estimates could supply up to 50 per cent. of our space heating needs, or wood pellet-fired heating and electric generation—a by-product of the timber industry that is undergoing huge growth—energy from waste will have a large part to play in decarbonising our economy.

Recycling cooking oil and ethanol has little potential for the controversy that many energy-from-waste technologies seem to attract. It is just a no-brainer. I am told that buses powered by cooking oil may emit a faint but pleasant aroma—perhaps of Mum getting the tea on—rather than the heavy and poisonous diesel fumes that it replaces. UK companies are now marketing products to allow large institutions such as schools to recycle their waste oil on site to power things such as

minibuses and lawnmowers. If we could end up with fully or partially closed-loop energy economies, what a step forward it would be.

Such technologies also weigh favourably in the biofuels debate. The Conservatives have supported the renewable transport fuel obligation and would consider a more progressive extension of its obligations given satisfactory sustainability criteria, which has been a concern. We understand that investment in the development of the all-important second generation of biofuels needs optimism and boldness in our approach to the first. We all know that the first generation has not been without its problems, but that is not the endgame.

The Government's launch of the sceptical Gallagher review only months after the start of the RTFO did much damage to the growing sector and caused untold damage to a field of research and development in which the UK has a genuine global lead. However, land use and agriculture are increasingly at the forefront of the international climate change debate. They form the focus for much of the disagreement around the Waxman-Markey Bill in the US Congress, and at the Copenhagen summit next month rainforests will be an issue which is one of the most important and hardest to pin down. It is clear that we do not fully understand the carbon dynamics of large shifts in global agricultural production and land use. As a result, biofuels will continue to be a highly controversial and challenging policy area globally.

However, recycling our ethanol and cooking oil sidesteps all those bigger and wider concerns. It is simply not part of the same debate. Perhaps the only sustainability question it poses involves how much fried food we consume as a nation, but that is a question for another day. Biofuels will become a key technology in aviation and industrial petrochemicals only through the widespread adoption and requisite understanding of less high-tech biofuel technologies such as recycled cooking oil. When will the Minister respond to the Industrial Biotechnology Innovation and Growth Team report that was launched earlier this year by the First Secretary of State? Biofuels and the nascent use of bio-feedstocks in the chemical industries must play a vital role in a decarbonised UK economy. We must not lose sight of the importance of that.

The development of transport biofuels must not be used as a vanity shield for a lack of clear direction and leadership on electric vehicles. Only the Conservative-controlled Westminster council has delivered a serious number of electric vehicle charging points. The Mayor of London is driving that agenda at a city-wide level. Meanwhile, the much-needed plan to implement a nationwide network of charging points has disappeared from the Government's list of priorities.

Despite the successes in the recycled biofuel sector, progress is being stymied by red tape and onerous regulation. The certification of waste storage and the handling of waste substances can be hugely bureaucratic. Rather than encouraging the uptake of the systems, that can put off enthusiastic newcomers. What steps is the Minister taking to streamline those processes? How is he encouraging public institutions such as schools and prisons to adopt such systems? How many councils offer or support local cooking oil recycling schemes? How is he helping them to put pressure on local transport providers, such as bus contractors, to use such products where possible? There is no point in trying to expand the market further when regulatory and fiscal constraints are pushing the market in the other direction.

Anne Main: Does my hon. Friend agree that the public will fail to understand why the matter is being dealt with in the way it is? They are being asked to alter their lifestyles and to pay ever-higher taxes on things that are not sustainable and that pollute. They will therefore wonder why we are dealing with the sustainable fuel that we have in this way. It seems mad. As he said, this issue is a no-brainer.

Gregory Barker: My hon. Friend has put her finger on it. It does not make sense to ask for schemes to encourage the uptake of low-carbon fuel while refusing to make sensible minor changes to its fiscal treatment so that it makes commercial sense to produce it. Her suggestion of a 90 per cent. renewables obligation certificate would be a sensible way to reflect the fossil fuel element in such fuel.

The role of Ofgem in this matter must be questioned. I am meeting Alistair Buchanan this afternoon and will put it to him that Ofgem's position runs contrary to common sense. Although it can be argued that recycled cooking oils are not a purely renewable source of fuel, they are undoubtedly a low-carbon alternative to fossil fuels. We must embrace that. It is not a purist ideology but a route map to a low-carbon economy. There will be not a totally carbon-free economy but we could have a low-carbon economy.

Either the Government are hiding behind Ofgem and failing to provide the clear policy leadership that we have a right to expect on this important topic, or they are taking the jobsworth, pedantic, apathetic approach that is typical of all Governments who have run their full term. The failure to grip something that is commonsensical is symptomatic of that third-term malaise. I assure my hon. Friend the Member for St. Albans that we will grasp this issue. It is a no-brainer, it is not a big deal and it ought to be a key part of the low-carbon economy. It will be addressed in our energy Green Paper. I hope that the Minister will respond positively and that we will not have to wait for a change of Government to get the common-sense change that we need.

10.25 am

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I have 35 minutes, which hon. Members may use to examine this issue in detail. However, I do not plan to waffle just to fill up that time. Hon. Members are welcome to intervene if they want to explore particular points.

I congratulate the hon. Member for St. Albans (Anne Main) on securing this important debate at an important time in the development of policy on this issue. She showed a tremendous command of her subject. I was planning to say that she put her case sensibly and reasonably, but I revised my view when she carried out an unjust personal attack on me. I have lost any sympathy for her and the case that she made. However, let us continue to examine the issues, devoid of personality.

The hon. Lady focused on what she called the "bonkers anomaly". I accept that there is a debate to be had about part of the policy in this area. However, she did

[Mr. David Kidney]

not mention any of the good things that have been done. The industry has reached the position it is in because of the support that has been mentioned, but no credit has been given to the Government for giving that support. The Government's future direction in this area is consistent, makes sense and hangs together. I would have liked some credit for the way in which this country virtually leads the world in reporting requirements for sustainability in this sector. We have one of the best systems and are trying to encourage the rest of the world to adopt similar standards.

We established the Gallagher review when concerns were expressed about sustainability. That is a valuable resource. I am not sure whether the hon. Member for Cheadle (Mark Hunter) was criticising the Government for setting up the review or for responding positively to its conclusions, but I think that both were the right things to do. We slowed down the progress of the road transport fuels obligation in response to Ed Gallagher's report. "The UK Low Carbon Transition Plan" and the renewable energy strategy that we published in July show a consistent and stable pattern for Government policy.

Gregory Barker: There have been questions over the sustainability of biofuels and ethanol that are imported from the developing world and over whether they are farmed at the expense of natural rain forests. Does the Minister agree that those issues are a million miles away from the sensible and pragmatic re-use of waste cooking oil? It is an almost entirely separate debate.

Mr. Kidney: At several points in the debate, hon. Members have raised the sustainability of the international bioenergy industry, the importance of protecting the environment by diversity and the food supply. I agree with those points. I will not go into those areas in this debate, but refer hon. Members to the well-informed Adjournment debate in the Chamber on 13 October, which was secured by my hon. Friend the Member for Brent, North (Barry Gardiner). I dealt with those issues during that debate. The Government are worthy of credit for chairing the working group of the Global Energy Partnership that is developing the sustainability criteria for the future of biofuels throughout the world.

The hon. Lady's complaints are a tale of two regulators. She mentioned the description of used cooking oil as a waste product. She said that it is a tricky product to dispose of. I agree. The regulator responsible for the safe disposal of tricky waste is the Environment Agency. It has made decisions about the definition of waste that have caused difficulties in the industry—I accept that. However, it is an independent regulator set up by Parliament to make such decisions. Who am I to try to override or second guess its judgments? We have to work with the agency's conclusions, and we have tried to do so in relation to this matter by developing a series of end-of-waste protocols that are acceptable to the industry. Those protocols enable the industry to get around the obstacles put in its way by the Environment Agency's rulings, and are acceptable in terms of our international obligations, including under European Union law.

Anne Main: In response to the Minister saying, "Who am I," I am delighted to say that the Minister is the Minister. I would love to think that if the Environment Agency is putting obstacles in the way of the Government and he wishes to deal with the matter differently, with his good offices, he could sit the agency down and say, "This is what we wish to achieve. Please don't put obstacles in our way."

Mr. Kidney: No, I am sorry. The Environment Agency is not putting obstacles in my way; it is putting obstacles in the way of people who might dispose of tricky wastes in unacceptable ways. That is a public good and I want it to do that. However, I do not want the agency inadvertently to get in the way of good businesses that we want to support—hence the development of the end-of-waste protocols, which are currently in train. That is something I am doing now, as the hon. Lady asked me to.

The Environment Agency is one regulator. The hon. Lady mentioned the other regulator—Ofgem—which is the guardian of the renewables obligation system. When we in this House make our decisions about promoting renewable energy in this country, it is important that we can reassure the public and give them confidence that they are, indeed, renewable sources of energy. On the use of methanol derived from natural gas, it is true that, last year, Ofgem made the decision that it is from a fossil fuel source and therefore is not a renewable source. Ofgem is an independent regulator and is responsible to Parliament. It made that decision and ruling after taking independent expert advice and consulting the industry and the public at large. Again, I say who am I to overrule the decision of the regulator?

Gregory Barker: I am concerned that the Minister seems to be a bit confused about who he is. Let me tell him who he is: he is the Minister in the Department that should have policy oversight. Is he telling us that the Department of Energy and Climate Change and his ministerial team have ceded responsibility for strategic direction, policy and decision making to unelected quangocrats? That does not come as a great surprise because that is what it feels like, but I am surprised to hear him admit it in Westminster.

Mr. Kidney: With respect, I think it is the hon. Gentleman who is confused. Parliament sets the law on waste disposal and on renewable energy, and it establishes independent regulators to uphold the law for us. If they uphold the law for us, we should not complain when they do their job properly. If as a result of their conclusions, we think that the law needs to be changed, this is the place in which to do it. I welcome the hon. Lady's suggestion that there is one change of one law that might benefit a particular industry, and we will debate that later during my contribution. However, I want to assert the independence of regulators to do their job free of political influence, when we, the politicians, have given them a job to do.

Mr. Heald: If we take together the removal of the 20p advantage for biofuels and the effect of the Ofgem bonkers anomaly, how much extra revenue does the Treasury get?

Mr. Kidney: I have no idea what the answer to that question is. I will examine whether I can get such a figure from the Treasury, and if I can, I will write to the hon. Gentleman with an answer to his question.

While we are on the subject of the 20p differential—there is a train of thought in my mind, but I have been diverted to deal with this—although no credit for the measure has been given to the Government by hon. Members, people are now complaining that it will come to an end. The decision for it to come to an end was taken in Budget 2008 and the judgment was made that, by the time it came to an end, the industry would be sustainable without it. It was thought that replacing the differential with the road transport fuels obligation for transport power and the renewables obligation for heat and light energy would be sufficient to take the strain in terms of giving support to the industries concerned. We also recognised that there was a sustainability issue, and the RTFO and the renewables obligation both include mandatory reporting of sustainability standards, whereas, clearly, an across-the-board 20p reduction in duty has no such requirement.

The hon. Member for Cheadle made an intelligent point about whether we could in some way modify the duty differential perhaps to take account of particular subsections within the industry that we thought were particularly desirable and had continuing support for. That is a good point to make as a Budget representation, and I shall pass it on to my right hon. Friend the Chancellor. So the duty point is certainly not simply about clawing in lots more money; the decision was made in the Budget two years ago.

On the question about the bonkers anomaly, I would like to ask whether it really is an anomaly. If Ofgem's conclusion that a source of the reagent for converting the biomass into a biofuel is methanol produced from natural gas—a fossil fuel—is reasonable, are there alternatives to methanol from a natural gas source that could do the job just as well? The hon. Lady said that there is a recycled methanol and that Ofgem would also claim that that was not eligible for the renewables obligation. I think that she is wrong about that, but I will check the point with Ofgem. It seems that if we have a recycled methanol source, instead of a methanol from natural gas, which is a fossil fuel, the objection that Ofgem has to that particular reagent would be overcome and there would not be an obstacle. So, as I said, I think she is wrong, but I will check the matter with those who know.

Anne Main: I would be delighted if the Minister sought clarity on the matter. However, whatever the source of the methanol, it is a small proportion of the product—about 10 per cent. Does he agree with Ofgem that having a small proportion of something derived from a fossil fuel in a product makes it entirely fossil fuel? That is the bonkers anomaly that most people do not think is reasonable.

Mr. Kidney: The point is that we are talking about renewable energy and Ofgem has concluded that that particular biofuel is not 100 per cent. from a renewable source. What are we going to do? Should we make an exception for that one source but not for others where fossil fuel is mixed or is part of the process for producing a renewable energy? Are we going to make an exception just for this one industry, or are we going to say that sources other than renewable are acceptable for support from a renewables obligation? We might want to do that and we could do so if we wanted.

Anne Main: I was asking the Minister what his opinion was about the fact that 90 per cent. of that particular biofuel is thoroughly renewable.

Mr. Kidney: My current opinion is that the renewables obligation supports 100 per cent. renewable sources, not less than that. However, as I said, I am open to the argument being made in the debate, and I will take away the hon. Lady's suggestion of, for example, a 0.9 renewable obligation certificate, because it is 90 per cent. I will consider that suggestion, because it is constructive.

On a more general point, the hon. Lady mentioned that we will be implementing the European Union's renewable energy directive in 2010. We intend to draw up a national action plan to show how we will implement that directive by June next year. Everything we have said in the debate will inform the preparation of that national action plan, which will be done across Government and will include contributions from the Department for Transport, the Treasury and my Department. This debate has also been valuable for that reason.

My final direct response to the points made relates to the hon. Lady's comment that she wanted me to hear from the sector itself. I am perfectly willing to meet sector representatives if they want to talk to me about their concerns and make constructive suggestions. I hope that that is helpful to her.

I want to say something about bioenergy generally. It does, indeed, have a hugely important role in delivering the UK's renewable energy and climate goals. We expect that the majority of the UK's 10 per cent. renewable transport target for 2020 will be met from biofuels, and that about 30 per cent. of the overall UK renewable energy target could be delivered through biomass heat and electricity. Taken together, those figures equate to about half of the UK's overall 15 per cent. renewable energy target for 2020 being met from bioenergy. We certainly see that as a considerable, substantial and mainstream contribution to renewable energy. Bioenergy offers exceptional opportunities for the UK. It can create new business and green jobs, particularly in the agriculture, forestry and distributed energy sectors. It can provide greater diversity for the UK's energy mix, and so increase our energy security. It can also make a large contribution to the UK's ability to meet its carbon budgets.

Before I get to the main body of the speech, let me explain the terminology. I am taking the European Commission's approach that biofuel refers to transport fuel made from biomass, and that bioliquid refers to liquid fuels that are made from biomass and used for electricity or heat generation. Fuel made from recycled cooking oil or recycled ethanol may be a biofuel if used for transport but a bioliquid if combusted for electricity or heating. Bioenergy is a flexible catch-all phrase that covers solid, liquid and gaseous biomasses and their use for any energy purpose—transport, heat or electricity.

First, let me address the potential use of bioliquids for electricity generation. The renewables obligation is the Government's main mechanism by which to support renewable electricity generation. It places a requirement on licensed electricity suppliers annually to provide Ofgem with a certain number of renewables obligation certificates or to pay a buy-out price for any shortfall against that target. The obligation increases year on

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year. Since its introduction in 2002, it has successfully tripled the level of renewable electricity in the UK from just 1.8 per cent. to 5.4 per cent. last year.

Before April this year, the renewables obligation offered a flat-rate support of one tradeable ROC per megawatt-hour of eligible renewable electricity generated. However, in response to changing circumstances and representations that were made to the Government, and in order to make the obligation a more effective and efficient mechanism, in April this year we made changes. The main change was the introduction of banding to provide differentiated levels of support to different technologies and to offer a greater incentive to those that are less well developed and further from the market. It is that mechanism which enables the hon. Lady to argue that we should differentiate for the technology we are discussing. At the same time, we introduced mandatory sustainability reporting for all generators above 50 kW that use biomass for electricity generation.

The mandatory reporting criteria for renewables are as follows. Generators have to report available data on a range of criteria, including the source and format of the biomass, the volume used and the country of origin, as well as details of any environmental standard that has been met and land use change. Those data will provide necessary information on the type of biomass being used in the UK and whether it comes from sustainable sources.

Secondly, I want to discuss the Government's main mechanism of support for renewable transport and biofuels—the renewable transport fuel obligation. The RTFO, which was launched in April 2008, places an obligation on fossil fuel suppliers to produce evidence that a specified percentage of their road transport fuel in the UK comes from renewable sources such as biodiesel and bioethanol. That annual obligation will increase in stages. The RTFO for 2009-10 is 3.25 per cent. of total fuel supplied. In light of Professor Gallagher's recommendations in his 2008 review, we have slowed down the planned rate of increase to 4 per cent. in 2011-12 and 5 per cent. in 2013-14. As the hon. Member for Cheadle has said, there were calls for support to that industry to stop completely because of concerns about sustainability. His Committee resisted those calls, and so did the Government, and I think that we responded proportionately to Professor Gallagher's concerns.

The RTFO includes mandatory reporting on carbon and sustainability, making the UK one of the first countries in the world to establish a reporting system for the sustainable performance of our biofuels. Current data show that 99 per cent. of British biofuels are meeting our voluntary sustainability standards and are achieving average greenhouse gas savings of 47 per cent. The UK was instrumental in successful agreement being reached on the renewable energy directive, with its challenging overall target for the whole EU of having 20 per cent. renewable energy by 2020. In particular, we played a significant role in setting mandatory sustainability criteria for biofuels and bioliquids in the directive. Those criteria include minimum greenhouse gas savings, good agricultural practices and controls on land use change.

We recognise that land is not a boundless resource, and that population growth and lifestyle changes in both the developed and developing world mean that the demands on our planet are greater than ever. Sustainability is at the heart of Government policies and actions to build a competitive low-carbon bioenergy sector in the UK. We aim to maximise the many benefits of that to biodiversity, farming, forestry, rural communities and employment, while also managing and minimising any risks to the environment both in the UK and worldwide.

Let me address the other support that the Government will give to those sectors. By December, we will consult on our proposals for a renewable heat incentive. The Energy Act 2008 allows the incentive to provide financial assistance to generators of renewable heat and to producers of renewable biogas and biomethane. Our aim is to make the incentive as accessible, flexible and user-friendly as possible to potential investors in renewable heat at all scales, from industrial to domestic. We intend to introduce the incentive in April 2011.

Gregory Barker: Given what the Minister has said about the term "renewable", does his use of it here mean entirely 100 per cent. renewable, or does he mean low carbon?

Mr. Kidney: In contrast to the renewables obligation, we are considering allowing all forms of biodiesel to be eligible for the renewable heat incentive. That would allow homes that currently use heating oil—about 9 per cent., many of which are fuel-poor—to switch very quickly and at a relatively small cost to a less carbon-intensive fuel when the RHI is introduced. In a sense, the hon. Gentleman is making the point that we have listened to past criticisms and are doing something different for heat. However, there is also a policy priority here. Heat generation is the least well-developed when it comes to the renewable sources that we need to take up for the future.

Gregory Barker: It rather looks as though one hand does not know what the other is doing. We have the sensible adoption of a policy that recognises the low-carbon nature of biofuels, whereas other parts of the Minister's Department either do not have access to the same thinking or are not capable of following the same decision-making process. Why are there two strands of thinking in one Department? I thought we were supposed to be getting beyond such things.

Mr. Kidney: That is a totally unfair characterisation of the position. There are strong policy reasons why we ought to go the extra distance that I have described for a renewable heat incentive in 2011. By that time, arguments such as those we are having today might have brought about change to the renewables obligation criteria, and the two might be consistent by then. At the moment, however, only the renewables obligation is before us. The hon. Member for St. Albans has made the case that there is an anomaly in the legislation that we could do something about. She has made some sensible suggestions for alterations that we might make, which I shall consider. That does not mean that I am not aware that there are differences or that I do not appreciate how we might overcome them.

Anne Main: I appreciate the Minister's complimentary words. Cooking oil could also be used for district heat and power if we decide to go down the route of ensuring that facilities are built to use that technology. That

could dovetail nicely into what the Minister wishes to achieve, using a source that is infinitely preferable to some of the biofuels that are currently utilised.

Mr. Kidney: I agree, and let me be more helpful. If that step were taken—this issue is still subject to consultation, so let us see what people think—and we designed the renewable heat incentive in that way, it would help the heating oil industry to diversify, with a move towards renewable fuels, by blending heating oil with biodiesel. The industry's technical body, OFTEC—the Oil Firing Technical Association—is currently conducting trials and has operational plants running with a 15 per cent. blend. It hopes to have a 30 per cent. blend available by 2010 and a 100 per cent. blend by 2015. That is exactly the point that the hon. Lady was making.

Mark Hunter: I would like to take a slightly different tack. The Minister has spent the past few minutes talking optimistically about the future for biofuels, which is good to hear. The whole debate has been conducted in a non-partisan manner, and I am particularly grateful that he accepted my earlier point about the 20p duty differential. However, despite his generous offer to forward that to the Treasury so that it can be looked at for the Budget, I am still a little concerned that the optimistic future he talks about could come too late for many of the companies that produce biodiesel—

David Taylor (in the Chair): Order. Interventions are to be brief.

Mr. Kidney: I hear what the hon. Gentleman says. As policy makers, how often do we hear dire warnings of disaster if something happens? The Treasury is weighing up the warnings from the sector on the effect of the complete removal of the 20p duty differential next April, and I am sure that my right hon. and hon. Friends at the Treasury have that at the forefront of their minds—it was certainly at the forefront of the Chancellor's mind when I spoke with him about it on Monday evening. With regard to the RTFO, when the 20p differential is due to disappear, the buy-out rate for the RTFO will increase from 15p a litre to 30p, which in our judgment compensates for that loss.

Mark Hunter: Does the Minister understand that most producers of biodiesel from waste products produce between 2,000 and 20,000 litres a day and that the UK's biodiesel production is heavily reliant on that 20p reduction in duty?

Mr. Kidney: I understand that and refer the hon. Gentleman to my earlier comments about how that was weighed up at the time of the 2008 Budget, and I have said that that will be taken into account between now and the 2010 Budget.

By December 2009, the European Commission is due to report on the need for sustainability criteria for solid biomass used for electricity and heat generation, thus keeping the thread that I have described about the reporting of sustainability criteria. We are looking ahead, and in April 2010, which is not so far away, we will introduce the feed-in tariffs that will provide support to renewable electricity generators of up to 5 MW. Our consultation proposed including generation from biomass in dedicated electricity plants, combined heat and power plants or for anaerobic digestion. The consultation recently closed, and we received more than 750 responses, which we are currently analysing. That is a very large number, showing the keen interest in the subject.

We hope that the increased certainty that feed-in tariffs will provide will encourage a wide range of people and organisations, such as householders, community groups, businesses, schools, hospitals, universities and all the examples the hon. Member for Bexhill and Battle mentioned, to consider installing low-carbon electricity generation.

Gregory Barker: The Minister has been extremely generous in allowing interventions, and I promise that this will be my last as he is running out of time. The feed-in tariff is a welcome development, although one that the Government were not very keen on initially. Can he confirm that, unfortunately, it appears that the Government anticipate that only 2 per cent. of the UK's total electricity generation will be supported by feed-in tariffs by those methods by 2020, and is not that a pathetically unambitious—

David Taylor (in the Chair): We are wandering a little from the core topic of the debate.

Mr. Kidney: To bring those points together, by December 2010, we are due to bring the sustainability standards applied to biofuels under the RTFO and to bioliquids under the renewables obligation into line with the requirements of the renewable energy directive, and that is where the national action plan that I mentioned earlier comes in.

On the specific points made about recycled cooking oils and recycled ethanol, the use of waste and residues for energy is promising. With our concerns on direct and indirect land use change, it is a clear no-brainer, as everyone has said, to do much more with what we already have and to capture more of the UK's organic waste and residues that currently end up in landfill or, worse still, being disposed of illegally in rivers, as was recently exposed by a court case in Watford that concerned an incident last year in Welwyn Garden City. Instead, that waste should be used for bioenergy, whether for transport, heat or electricity. Next year, we will consult on potentially banning some organic waste from landfill, so that such materials can only be reused, recycled or used for energy generation.

Bioliquids, which are 100 per cent. renewable, are rewarded through the renewables obligation. It is not the purpose of the renewables obligation to support fuels that are directly or indirectly derived from fossil fuels. Therefore, biodiesel produced using methanol derived from natural gas is not eligible for renewable obligation certificates, but it is eligible for support under the renewable transport fuels obligation, given the more limited potential sources of renewable transport fuel.

The Government are keen that our package of financial incentives for bioenergy provides coherent and appropriate long-term signals to the market. With the planned introduction of the feed-in tariffs and the renewable heat incentive, which will join the renewable transport fuels obligation and the renewables obligation, we are looking carefully at how we can best achieve that.

In conclusion, achieving our ambitious targets on renewable energy and on emissions reduction will require the participation of all parts of our society. The Government

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are working hard to support the wide range of emerging technologies, such as advanced biofuels and bioliquids, and remain vigilant that the UK's biomass supplies are sourced sustainably. We hope that, in the coming years, everyone from the largest multinational company to the individual householder will play a full and rewarding role in the UK's move to a low-carbon economy.

I have finished my prepared text and do not want to waffle to fill time, and I have taken a large number of interventions, which I hope has been reasonable, so if it is all right with the hon. Member for St. Albans, I would prefer to finish early.

David Taylor (in the Chair): As the Member who has secured the next debate and the Minister who will respond to it are both present, we will move on.

Military Vehicles and Aircraft

10.56 am

Ann Winterton (Congleton) (Con): It is a pleasure to introduce the debate under your chairmanship, Mr. Taylor, and I am delighted to have secured it on my first attempt—normally I try for months to secure debates, but on this occasion I was lucky first time.

I wanted to have this debate not least because my years in the House of Commons are drawing to an end after nearly 27 years and I shall not be around when the next defence review takes place. I would like to use the opportunity to pull together matters raised in defence debates I have previously initiated and those to which I have contributed. I will set out a narrative and throw what I hope are constructive points into the melting pot, which I trust will be pursued in the next Parliament when the defence review is taken forward.

I have never regarded defence as a party political issue and have always tried to praise or, at times, constructively criticise both Government and Opposition parties on their defence policies. I apologise to the Royal Navy for not including ships in this debate and hope that the senior service will not be miffed, but Back Benchers sometimes have to focus on a narrow brief rather than take a broad-brush approach to all defence matters. I believe that the issue of vehicles and aircraft offers a clear insight into military thinking and direction, and it is pleasing to note that some of the issues I raised when I began to be more active in defence matters in 2004 are now bearing fruit and perhaps are being taken more seriously in some quarters.

In July this year senior figures from the British military and from coalition countries, together with Ministry of Defence scientists and engineers, gathered to discuss strategy and tactics for countering the threat from improvised explosive devices in Afghanistan, an issue I had raised three years earlier in the House, predicting what would happen based on our experience in Iraq. I pose the following rhetorical question: why did it take three years for the experts to catch up?

I begin with the issue of Snatch Land Rovers in Iraq. General Jackson thought that the aftermath of the Iraq war could be handled with the tactics used in Northern Ireland by sending in Snatch Land Rovers. Once casualties started to mount up and criticism of the vehicle's vulnerability to explosive devices began, we entered a propaganda phase with all the great and the good averring that a small vehicle was required to win hearts and minds and to be able to access narrow streets. Then Snatch patrols were escorted by Warriors through the most dangerous places, which obviously gave the game away in respect of the line that had previously been taken.

However, because of the lack of a suitable vehicle, a bunker-down approach was taken which eventually led to our failure in Iraq. Convoys became so unsafe that they withdrew to their bases, where they were mortared and rocketed, until they withdrew from those places as well. We lost manoeuvrability and tactical advantage and were put on the back foot.

The Mastiff arrived too late to turn the tide of the damage that had already been done, but that is a story in its own right. Why was the first built-for-purpose mine-protected vehicle—the Mastiff—built at the opposite

end of the scale to that which was required? In other words, why was it so large when something smaller like the Ridgback, or something even smaller than that, would have been more appropriate from the outset? It was clear that the Army did not want that design of vehicle at all. It plumped for the death trap Vector, which we thought had been withdrawn from service but will not be withdrawn until next year—too late, sadly, for the last RAF fatality.

The politicians, though, were right to support the procurement of Mastiff, which has been a great success in saving the lives of so many troops.

Mr. Lindsay Hoyle (Chorley) (Lab): I congratulate the hon. Lady on securing this important debate. She rightly makes the point that we did not react quickly enough. Does she blame the Army chiefs or civil servants in the Ministry of Defence for that? Where does she feel the blame lies for our failure to react with the speed that we should have?

Ann Winterton: I am grateful for that intervention. I do not feel that I should blame either of those two bodies; certainly it was a combination of both. The problem so often in the procurement of vehicles, aircraft or whatever, is that the process is convoluted and complex, and there are people such as the hon. Gentleman who campaign for certain projects that affect their own constituency. I think, too, that there is perhaps a mentality in the armed services, because of their loyalty and the way they are trained and so on, which means that they are not always able to think quickly out of the box—except when they are in the field, of course, and that is totally different. I believe that that is why the present situation has arisen, but I am not accusing anyone. I am just making what I hope will be a jolly good case for change in the future.

Just like the Snatch-Warrior combination in Iraq, we recently saw two Mastiffs of the counter-IED team escorting a Brigade Reconnaissance Force convoy of 26 Jackals during Operation Panther's Valour in Afghanistan. The lead Mastiff was struck by a massive IED that would have obliterated a Jackal. This vehicle, like the Vector, is one that I have been critical of in the past.

We ought to remember that the Mastiff was initially purchased for use in Iraq, where there are paved roads, but it has since been deployed in Afghanistan.

Mr. Lee Scott (Ilford, North) (Con): Does my hon. Friend agree that perhaps the time has come for the MOD to look at other vehicles that would protect our troops better, such as the Namer, which is manufactured in Israel?

Ann Winterton: I know that my hon. Friend has a great interest in promoting Israel. I am not aware of the attributes of that vehicle, but I am sure that those who are present today will have heard what he says about it.

The sales pitch for procuring the Vector and the Jackal was based on their off-road performance and manoeuvrability, which is fine for special forces and true reconnaissance. However, when it comes to general duties, using off-road vehicles that are not suitably armoured is suicidal. When the Jackal first came into service, there was no intention to add armour, but when it was later heavily criticised, the usual cycle began of adding to a vehicle armour for which it had not been initially designed.

Of course, young lads, who are always boy racers at heart, love driving the Jackal—that is, until they or their mates are killed or maimed. The Ministry will not reveal how many vehicles have been lost for the good reason that it is the Army's prestigious toy, and the figure is high.

If convoys have to be taken off road, what signal does that send to the local population? The international security assistance force regards the roads as unsafe, but expects local people to use them for business and commerce. The difficult and varied terrain of Afghanistan, with its canals and pinch points, is not conducive to manoeuvrability, and many Afghans have also been killed by IEDs.

Meanwhile, because the UK gave away its mine-clearance equipment from Bosnian days—that is, the Chubby sets and engineering plant—it has had to purchase Talisman, which is due in 2011. There is still no mine-detection vehicle such as we had in Bosnia. That vehicle was called the Husky, which is confusing, as two vehicles are coming on stream with the same name. Even the Rhodesians had mine-detection vehicles more than 30 years ago with the Pookie, which had been developed from a Volkswagen Beetle. We now have to resort to foot patrols using hand-held mine detectors and, believe it or not, we do not have an armoured bulldozer.

Until recently, the problem has been the Army's obsession with the future rapid effect system concept—this partially answers the question of the hon. Member for Chorley (Mr. Hoyle)—including the futuristic medium-weight vehicle and electric armour, which is far ahead of its time as far as the technology is concerned. The design structure has proved useless for the form of warfare being pursued in Afghanistan.

While not officially a FRES vehicle, the disastrous Panther was part of the overall package. It is highly complicated—one just has to lift the bonnet and have a look. I will admit that I have not done that, but a friend of mine has and assures me that that is so, in case anyone challenges me on that point.

The Panther has been upgraded at enormous cost to try to make it work in Afghanistan. The cost has been £20 million for 67 vehicles, and therein lies the problem. The Army chose unsuitable vehicles that look futuristic but cost a fortune, bearing in mind the cost of loss of the vehicle plus its replacement, and not forgetting death and serious injury compensation.

The Panther is quite a large vehicle, and now is probably top-heavy. If it rolls over, there is no rear exit. There are only side doors, so those inside rely on the air conditioning—not a pleasant scenario to describe. Compare the Panther with the Mastiff and Ridgback, which work on blast deflection rather than blast absorption. If I had £5 for every time I have used those two phrases, I would be a wealthy woman by now. And Mastiff and Ridgback are not written off when they have been hit. They may not be easy on the eye, but they are practical and have saved life and prevented injury on innumerable occasions.

From the same stable as the Mastiff comes the Ocelot light protected patrol vehicle, which was launched at the Defence Systems and Equipment International Exhibition

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held in London in September. The Ocelot is based on simplicity and quick change of modular use and, like the Snatch, has a rear dismounting capability. Its competitor from the Jackal camp is a future model of the Supacat, the SPV 400, which, interestingly, has a curved windscreen. I wonder if that has a practical purpose or whether it is just a bit of window-dressing for marketing purposes, because curved armoured glass would cost a small fortune to manufacture.

I hasten to add that I am not favouring one manufacturer over another. One should always consider the basic overall design. That issue was obvious from the start with the Vector and, as a result, affected its performance, because more weight was added to armour it, which caused problems once it was operational, as the number of injured and the number of body bags that have resulted show.

Money has been poured down the drain because of poor procurement decisions on vehicles. So is it any wonder that the United Kingdom cannot now pay its Territorial Army? After the propaganda of the past two years, promoting one Army of regulars and reservists, we are now experiencing massive discrimination against reservists and we could be portrayed as a country that cannot pay its soldiers.

Another flawed vehicle is Tellar, the totally unprotected bomb disposal vehicle, which is discreetly being replaced by a variant of the Mastiff, which was seen in Operation Panther's Valour. I also have doubts about the new Husky vehicle, which will probably not survive an IED attack, but which is the preferred choice of the Army.

Insurgents always find the weak spots in vehicles, and they know which ones are vulnerable. That is why it is so important to understand the physics in blast deflection—to save life and limb. Just like the British public, I am a complete outsider on military affairs, but we are all becoming wary of the unreasonable level of death and injury, the human costs involved and the financial cost of the military's choice of vehicles and platforms. It is becoming increasingly apparent that the military's belief that state-on-state conventional high-intensity warfare equipment can be used in long-term conflicts, such as Afghanistan, is flawed. No nation on earth can afford to put such equipment through such long, drawn-out warfare.

Bob Spink (Castle Point) (Ind): Since the hon. Lady has mentioned Afghanistan, does she agree that safe mobility is the key issue for British troops there? She may not be aware that three companies of the Royal Anglian Regiment from my constituency flew to Afghanistan last week and are probably engaging the enemy right now, in their usual brave, totally professional manner. Does she have any estimate of how quickly we can improve safe mobility and armoured mobility in Afghanistan? Does she expect the Minister to give her answers on that this morning?

Ann Winterton: The whole tenor of my speech is about safe mobility of one sort or another. I commend the hon. Gentleman's constituents, who are fighting and are probably in an engagement in Afghanistan as we speak. It is for the Minister to reassure those Members of Parliament present about how quickly some of these vehicles and aircraft—I have not got on to those yet—can be brought into theatre. Certainly, safe mobility is what we are all about. That is why Ricardo and Force Protection Europe have produced the Ocelot for ease of maintenance, versatility and a low centre of gravity. How many personnel have been killed or injured, including, sadly, being drowned, when their vehicle has turned over into a canal and they have been trapped underneath? The overturning of a vehicle can be an exceptionally difficult thing to handle and is a horrible way for people to die.

A typical example of using expensive equipment is the use of the Nimrod maritime reconnaissance aircraft, which costs a cool £30,000 an hour to operate. Compare that with the Iraqi's using a Sama CH2000, which can be purchased for about the cost of 12 hours of Nimrod flying and can be operated from theatre, unlike Nimrod, which clocks up massive airframe usage. Of course, the Sama uses the same camera. I think that it takes a considerable time for Nimrod to get to theatre from wherever it is based, so there is a lot of unnecessary wear and tear.

I will gloss over the A400M airlift aircraft and those original six or eight not-fit-for-purpose Chinooks, the history of which goes back over successive Governments.

Yet another suspect case is the Merlin helicopter, about which reservations have also been expressed by others. I understand that the Danish Merlins that we purchased are not the same version as ours, so they will require different training to be involved. At RAF presentations, that aircraft was presented as the most brilliant going, but it still has to be upgraded to go to Afghanistan, no doubt including Carson blades. I am concerned that this aircraft is so complex that, in the heat and dust of Afghanistan, it will be a nightmare to service, just like the Typhoon Eurofighter. Getting spare parts is difficult, as they cannot be bought off the shelf, as most equipment can be. Therefore there are delays in getting parts to keep the aircraft in the air.

For the money that has been poured into helicopters that are still not working, and in trying to make the Army's Lynx version work at huge expense because of the Navy requirement, we could have had the US Blackhawk helicopter at a third of the cost and a fleet of Hueys—Bell 212s or 412s. To call those cheap and cheerful might be a slight exaggeration, but they work in high and hot environments and their size makes them ideal for counter-insurgency work, as the concept of the Rhodesian Fireforce tactics teaches. There is no need for a helicopter shortage. Do not let us forget that, in the Rhodesian conflict, damaged helicopters were often repaired by the crew when they landed in the bush. These days, it seems that we only blow up our damaged Chinooks, which could only have been airlifted out of the unsecured areas that they were in by the Russian-built Mi-26. The one that the UK hired was blown up by the Taliban and was described as a transport aircraft at the time; but of course, it had a much more important role.

Many areas of present helicopter use could be undertaken by single engine, fixed-wing aircraft, such as the PC-6 Pilatus Porter, which would be safer, more practical and cost-effective. What an asset such aircraft would be, operating as an integral part of the brigade reconnaissance force. There is no doubt about the future and benefit of unmanned aerial vehicles, but again we must not forget how much has been squandered on such projects as the Phoenix—is it millions or billions of pounds? There are

so many noughts on the end that one gets confused, but I believe that the actual sum was £350 million. For the same sum, we could have had small, fixed-wing aircraft undertaking surveillance work, which would also have tied in with future Afghan air force requirements.

I have often mentioned the Super Tucano ground-attack aircraft simply because the RAF presently uses the Tucano trainer, but there are many other types of fixed-wing aircraft available. Boeing, for example, is considering restarting production of the OV-10 Bronco turboprop, which is a twin-engine aircraft upgraded with modern defensive suites. That is a Vietnam-era light attack and observation aircraft, which was last produced way back in 1976. In contrast, in future, we will use up the airframe time of the Eurofighter at £90,000 an hour. In addition, the Tornado has to be massively upgraded to increase its shelf life: the first aircraft will cost £28 million and, if successful, a further 40 aircraft will be upgraded at £5 million each. For a further £1 million, we could have had a fully equipped, brand new EMB-314 Super Tucano, which can carry the same ordnance as a Harrier but with greater endurance.

Time after time, I have suggested that the use of hi-tech, high-intensity warfare equipment, designed for short-term conflict operations, sets the wrong tactics for counter-insurgency, or however we want to describe long-term stabilisation wars. Horrendous present and future financial problems face us, with money coming from different budgets, but all of it coming finally from taxation or borrowing and with the Territorial Army being one of the victims. General Sir David Richards has said that

"we simply can't afford to retain a full suite of capabilities for all eventualities."

That is the crux for consideration in the defence review.

What does the United Kingdom want the military to do? That is what must be decided—not what the military believe it should do—and that will not be easy. Hon. Members are campaigning for the two new aircraft carriers, but will we have any aircraft to put on them? Did we need all those Eurofighters, or is the contract so expensive to break that we are stuck with them? A correspondent told me recently that

"they fly over us at work in fours, and they are"

in sight

"for about ten seconds so we see a thousand pounds worth of cost fly by."

Those are large sums. I also wonder what will happen to the A400M.

If the military continue to be obsessed with high-tech, high-intensity warfare, pushing aside practical alternatives, they will bankrupt themselves and us. Some people seem to believe that they have a divine right to an unlimited pot, but General Richards seems to think differently.

If we are not careful, our defeat in Iraq may be repeated in Afghanistan, so a decision must be made on whether we should ever again be involved in anything similar. On present performance, we should stay out of conflicts unless we have equipment and platforms that are simple, practical, cost-effective and able to be sustained in the long term.

Mr. Hoyle: I thank the hon. Lady, who is being generous in giving way. The A400M is not high tech—far from it. It has a joint Rolls-Royce-Snecma twin-turboprop prototype engine, which will be very good. It could be the workhorse, as it comes midway between the C17 and C130 jets, and it could have a civil application throughout the world, as well as a military application. There would be many benefits if we went ahead with it.

Ann Winterton: The hon. Gentleman has made his case and almost made his speech. I am sure that all hon. Members hung on his every word. He is a very good salesman, or should I say a good member of the marketing team? I shall leave that rhetorical question. I do not propose to go into it today, because I have had more than enough to say on different vehicles and aircraft.

Simple, practical and cost-effective platforms that can be sustained in the long term should enable sensible tactics to evolve to win without having to enter a propaganda war to pretend that we won, when in reality, we lost. The new Parliament and the new Government will face some difficult decisions following the defence review, which will set the agenda for decades to come. I trust that I have added some food for thought to the process, and I wish those hon. Members who will be involved in that review and its aftermath every success.

11.23 am

Richard Younger-Ross (Teignbridge) (LD): I congratulate the hon. Member for Congleton (Ann Winterton) on securing this debate. She raises some important issues. I agree with her general principle that we need a strategic defence review, that we must decide our objectives, and that we must put an end to the ad hoc arrangements.

I am reminded of a Christmas cracker that I opened many years ago. As with all crackers, it had a motto in it, which said that all we learn from history is that we learn nothing from history. It is a cheap little joke for Christmas, but there is an element of truth in it, and when it comes to military campaigns and procurement there may be more truth in it than is comfortable.

Mr. Hoyle: I have always heard it said that history always repeats itself.

Richard Younger-Ross: The principle is exactly the same. Those are two ways of saying the same thing.

We must examine our defence needs, and try to find the equipment that fits them. That is why we need the strategic defence review. As politicians, we must be truthful about the cost, but we have not been. We have always said that we must work within the defence budget, but then expected people to pull the proverbial white rabbit out of the hat without giving them the money to buy the white rabbit to put in the hat in the first place. That makes it difficult for our commanders, the Ministry of Defence and the forces on the ground who ultimately pay with their injuries or their lives because we have not provided them with the right equipment at the right time. We had a phase of the "just in time" principle, but I heard it said in Iraq that the "just too late" principle would have been more accurate.

I take issue with the hon. Lady on a couple of matters. She said in *ePolitix* that

"we were virtually defeated in Iraq and are sadly heading the same way in Afghanistan."

She is not contradicting that, so I take it that it is an accurate reflection of her view. I thought that the war in Iraq was illegal, that it was immoral, and that we should

[Richard Younger-Ross]

not have gone there, and I voted against it. However, I do not hold the premise that we were nearly defeated, because that would make an assumption about what we were trying to do while we were there. That raises an important point. When examining our equipment and what we are trying to achieve, the equipment will not necessarily achieve our objectives. The Army, Navy and others have understood what is required, but politicians and those in Departments often did not understand what was required in Iraq and Afghanistan.

I visited Iraq in 2003 with the armed forces parliamentary scheme, which is excellent and I recommend it to any hon. Member who has not been on it. We were there in the June just after the President of the United States had declared the fighting to be over. I went out in Snatch Land Rovers, and on top of a Challenger 2 tank, so I know the difference between heavy and light armoured. Both were appropriate for what they were being used for. The Snatch Land Rover was perhaps the right vehicle at that time and in that place. However, we were quite unprepared for what to do with the peace. We might have won the war, but we lost the peace that followed. That is the danger in Afghanistan—that we will lose the hearts and minds because we are not putting enough in to secure basic resources.

In Iraq, we tried to put in electricity, but local people dug up the cables that we put in, stripped out the copper and sold it over the border because they needed the money. The Iraqi army's containers full of munitions were left unguarded, so kids went into the containers, stripped out the mortar shells, left them on one side, and took the wood back to their houses because they needed to boil water. They also played genie games by opening up the mortars. Our preparedness after Iraq was totally lacking. We did not put in enough resources, the Americans did not put in enough resources, and we thought that we could operate on a shoestring. We nearly lost Iraq—at one point I thought that we had—because of that lack of preparedness.

We followed exactly the same pattern in Afghanistan. We diverted ourselves by first going into Iraq, so we did not have enough troops and resources on the ground, and we did not do enough on the ground to secure the peace, to rebuild, to replace the opium poppies and so on.

Ann Winterton: I have spoken about that in debates, and I agree with the hon. Gentleman on the reconstruction, bringing civil enterprises into being, and so on, but that is a different argument. When we went into Iraq, we were inadequately prepared militarily because we simply did not have the vehicles to save soldiers' lives. We had Snatch Land Rovers, which were deployed because we had nothing else at the time.

Richard Younger-Ross: That point is right. We had no other replacement, but this is about the pre-planning; we were not prepared. We knew we were going in, but we did not work out in advance what we required to build the peace. This is where hindsight is a wonderful thing. We did not see the insurgency that was to follow. In not securing the peace and security afterwards, we allowed the insurgency to grow. We left those people all the armaments in the containers, so they could take the explosives and use them. We did not do the other things required, so we created, politically, the circumstances that meant that the vehicles that we put there were inadequate, and in addition we did not plan to replace those vehicles.

The point that I am trying to get to in a roundabout way is that circumstances change. Sometimes they change because of our lack of planning—I think that in Iraq it was our lack of planning—and circumstances are changing in Afghanistan, in a way because of our lack of planning and lack of determination to build the peace.

Generals have to deal with that change on the ground. They also have to deal with—the hon. Lady referred to the high end—future war. I do not know what the next big conflict will be. I do not know the type of weaponry that we might need if there is a major conflict elsewhere in the world. I would like to think that the idea of Russian tanks rolling across the plains of western Europe is something of the past, but military planners must assume the worst and certainly until the early 1990s, they were still working on the basis that there would be that type of major conflict. Military planning is in tramlines; it is blinkered at times—the hon. Lady made her point in that regard—and is slow to change. She also made a point about FRES. Sometimes military planners have been slow to get away from that kind of thinking, but that does not mean that they should think, "We don't need the high tech", because at some point we might. If we discard that totally, we will perhaps do an even greater disservice to our services than we are doing by our rather blinkered thinking at the moment. I shall come on in a moment to the detail of what the hon. Lady said.

Ann Winterton: The fact is that the next Government, after the defence review, have to decide what we need as a country because we cannot afford to have it all. My point is that we have ensured that young men and women have served in Iraq and are serving in Afghanistan and while they are in mortal danger, we should do our best to support them with appropriate vehicles and aircraft. In the long term there may be different decisions, but frankly, bearing in mind the economic situation in this country, we cannot afford a full suite of capabilities, as General Richards said.

Richard Younger-Ross: Unquestionably we cannot afford the full suite; that is the purpose of a defence review. That is perhaps why we need to consider working more with our European allies and colleagues in the European Union and others so that we can examine where we can make savings in costs and bring together resources to ensure that we are more effective.

Mr. Gerald Howarth (Aldershot) (Con): The hon. Gentleman has just made a point that I cannot let go without challenge. He suggests that the solution to our budgetary problems might be to engage in more extensive co-operation with our European partners. I gently point out to him that it is that collaboration with our European partners that has resulted in equipment taking an inordinate time to produce and coming in at vastly excessive cost. It has been much more expensive and taken much longer to bring in than it would have if we had gone it alone in the first place.

Richard Younger-Ross: The hon. Gentleman makes a valid point. Certainly in the past what he describes has been the case, but that does not mean to say that it has to be that way in the future. We just have to have smarter procurement, which I will come to. The term that applies is pork barrel politics. There has been a lot of that in past European programmes and in the collaboration that we have had with the United States, which has its own problems.

We are able at times to change equipment. The Challenger tanks were seen as unfit for purpose when they were in Oman. We managed to change them so that, as I was told when I visited Iraq in 2003, they were exactly the right vehicle for the time. The SA80 guns that we gave our forces were deemed not fit for purpose. We have managed to change them and, when I spoke to our forces on the ground, they said that the SA80 is a wonderful gun, second to none. There are perhaps one or two other rifles that are as good if not slightly better, but it is in the top tier.

We have mentioned the Snatch Land Rover. Clearly, we needed to bring in other vehicles such as Mastiffs. The difficulty comes with the procurement programme and its ability to change fast. We are looking at changing circumstances and this is about how we can have the structure in the Ministry of Defence and in procurement to allow rapid change and for Ministers to sign off rapid change. They have tried to do that under the urgent operational requirements programme. That has worked to a point, although it has diverted money from the other programmes, which leaves the MOD short for some of its preferred options.

Let us consider the conflict and the threat. A few years ago in Afghanistan, the threat was very different from what it is now. The terrorist tactics—insurgent tactics—in Afghanistan have changed from conventional, almost all-out conflict to try to gain ground and territory, to the simple terrorist attack involving IEDs, which were used in Iraq. However, even the technology of IEDs has changed, which requires a change in our vehicles. We need to look ahead to such changes. The conventional mines were replaced. The IEDs changed and then people started using shaped projectiles, which are very high technology. They have a convex shape. When the explosion goes off at the side of a road, they can penetrate through extra layers of armour plate, so we ended up having to put extra layers of armour on some of our vehicles—we had not done that before—because the risk was increasing. Again, the debate comes back to how we deal with that.

Mr. Gregory Campbell (East Londonderry) (DUP): I thank the hon. Gentleman for his kindness in giving way. He is coming on to a point that is of some interest to me and many others. It relates to adaptability. Of course, it was a completely different conflict in Northern Ireland, where the security forces had to learn over time to be exceptionally adaptable as the terrorist regime changed course, but that is equally so in Iraq and Afghanistan. How does he consider that such adaptability can be pencilled in with regard to procurement and trying to ensure that sufficient resources are made available for the future?

Richard Younger-Ross: I will come on to that, because the Gray report, which has just been published, covers the procurement process. It is a very important point. The main thrust of what I am saying is that we must be able to adapt rapidly to changing circumstances. There is no point in just blaming generals for not having the right equipment at the right time, because we do not always have the structures in place that allow them to respond in that way. In dealing with Northern Ireland, which is—

David Taylor (in the Chair): Order. Could the hon. Gentleman remember to address the Chair, rather than taking part in a private conversation?

Richard Younger-Ross: My apologies, Mr. Taylor. The hon. Member for East Londonderry (Mr. Campbell) made his point, but in Northern Ireland the circumstance was slightly different; it is smaller. Dealing with a country of the size and complexity of Afghanistan is much more complex, and the adaptability for different circumstances is changing. We were dealing with lower-altitude fighting in Iraq. The average person reading a paper in the pub on a Sunday in the UK might think that Iraq and Afghanistan are the same, but the altitudes are very different and how the helicopters and other equipment perform at altitude is entirely different. It is not always obvious to a lay person exactly how we should deal with that.

There are two or three specific points on which I am in a lot of agreement with the hon. Member for Congleton. She referred to the Chinooks. Why the Chinooks are still sat, having their digital wiring ripped out for analogue to be put in, I do not understand. Will the Minister give us an update on those Chinooks and when they will be ready for service? My understanding is that only a few people are working on them. Will the Minister explain how progress can be speeded up so that those important Chinooks can come into service?

There has always been criticism—the hon. Lady referred to this—of the number and types of vehicles that we have. That is a very valid point: we have too many types. She talked about simple equipment. It is not necessarily a case of having simple equipment, but having equipment that is the same, so that people do not have to work on a series of different vehicles in theatre, is easier. It will save on training and all the other costs if there are fewer models of vehicle and people do not have to move from one to another.

I have to wonder why the Ministry of Defence is looking to do a life-extension programme for the Puma and the Sea King. The Minister has responded on this, and the Defence Committee is still debating the issue. However, in its 11th report of this Session, the Committee wrote:

> "Given the age of both Sea King and Puma and the poor survivability of the Puma, extending their lives at considerable cost is not the best option".

My understanding is that the MOD has not yet accepted that point, and I hope that the Minister will reflect on it. Other, off-the-peg vehicles are available.

Conclusion 4 of the Committee's report said:

> "We are also concerned that operational commanders find they have to use ground transport, when helicopter lift would be preferred, both for the outcome and for the protection of our forces."

That is probably one of the most significant sentences in that document. Not providing commanders with the equipment that they need on the ground will put lives at

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risk—indeed, it will actually take lives. The hon. Member for Congleton referred to pinch points, and that is exactly the problem in Afghanistan. Troops can go off road, but they will come to a narrow point at some stage. That is what the terrorists tend to concentrate on and what poses the greatest risk to our forces. Our troops cannot always do a helicopter lift over something, but if they can, they can reduce the risk of people being targeted on the ground.

To conclude, the Gray report said:

"Balancing this equipment programme, and keeping it in balance, is clearly a very significant objective of this report. As a result, the report recommends routine Strategic Defence Reviews, to be conducted in the first session of a new Parliament, as a mechanism to ensure periodic 'resetting' of the MoD's plans."

That resetting and the ability to be flexible are vital if we are to ensure that we have the right equipment at the right time for our forces on the ground.

11.41 am

Mr. Gerald Howarth (Aldershot) (Con): I am delighted to follow the hon. Member for Teignbridge (Richard Younger-Ross) and I will pick up some of the points that he made. However, I want, at the outset, to congratulate my hon. Friend the Member for Congleton (Ann Winterton) on yet another masterful piece of debating and on bringing intelligence about our armed forces to the Chamber. That intelligence is hugely valuable to us all, and I am just sorry that there are not more hon. Members in Westminster Hall to hear what she has had to say or to participate in the debate, which is crucial to the men and women of our armed forces. They are all our constituents and they are out there fighting for their lives and for our country as we speak.

I have no doubt that when my hon. Friend, sadly, leaves this place, she will apply to take part in that excellent competition "Mastermind". We have no doubt what her specialist subject will be or that she will be able to see off virtually every question that is put to her on it. She has taken a great interest in the issue before us, and we have all been the beneficiaries of the contributions that she has made. That is not to say that I have always agreed with everything she has said, but she has provoked a debate that we need to have.

My hon. Friend was right to set out the deficiencies with much of our equipment. She rightly started with the Snatch Land Rover, and it was perfectly clear quite early in the Iraq campaign that that vehicle was not up to the task. It is not as though that was something new, because we had precisely the same problem in Northern Ireland. There, however, we addressed it by bringing in helicopters, rather than more heavily armoured vehicles, as we have in Iraq and Afghanistan. Using helicopters allowed us to avoid the improvised explosive devices, or the roadside bombs as they were then known, and to lift troops to the front line at Crossmaglen, Armagh and further west. Like many of us, my hon. Friend will have flown in a Puma into what, in Afghanistan, would be called a forward operating base, thereby avoiding any risk from roadside bombs.

Mr. Gregory Campbell: The hon. Gentleman alludes to the usage of helicopters in Northern Ireland. The loss of life, particularly in South Armagh, was significant over 30 years, but it would have been vastly more so had it not been for the deployment and usage of helicopters in particularly troubled parts of Northern Ireland.

Mr. Howarth: I am grateful to the hon. Gentleman for making that point, which speaks for itself. It also rubs in the fact that the Prime Minister has failed to show any vestige of understanding for the needs of the armed forces. Despite all that experience in Northern Ireland, where we had a body of knowledge, the Prime Minister, when he was Chancellor of the Exchequer, refused properly to fund the helicopter programme. Indeed, he cut £1.4 billion from it, and we have suffered the consequences ever since. Notwithstanding the advice of the Public Accounts Committee at the time, he persisted with a ruinous policy, which has undoubtedly cost lives.

Ann Winterton: Will the hon. Gentleman give way?

Mr. Howarth: I hope that I am my hon. Friend's hon. Friend, but I will happily give way to her.

Ann Winterton: I am grateful to my hon. Friend for giving way. May I just tell him that the situation in Northern Ireland was completely different from that in Afghanistan? The problem in Afghanistan, as he will well know, being a pilot himself, relates to flying helicopters hot and high. We have nothing that is totally suitable for the environment there, so many helicopters spend masses of time on the ground. The spare parts situation is critical, and it takes a huge amount of effort, money and time to keep those helicopters in the air that are in the air. The choices that the military and the MOD have made regarding helicopters have been a bit of a disaster.

David Taylor (in the Chair): Order. That was rather a long intervention.

Mr. Howarth: Yes, some of the helicopters are not adequate, and the Lynx, which my hon. Friend mentioned, is an obvious example. That is why the future Lynx is important, because it will have an upgraded engine and will be able to operate hot and high. However, I have to tell her that the Chinooks and C-47s that are operating in Afghanistan are doing absolutely sterling work. Yes, there is a shortage of spares, to which I will come in a moment, but there simply are not enough aircraft in theatre. My hon. Friend mentioned the Merlin, which is about to be deployed. The six aircraft bought from the Danes are of a slightly different specification from the Royal Air Force Merlins, but I have no doubt that they will add hugely to our capability. Above all—I want to emphasise this—they will give commanders in the field the range of choices that they need. Simply giving them a narrow range of choices is not the answer. We are talking about a complex military operation, and we owe it to our servicemen and women to give them and their commanders the range of air and land vehicles that they need to adjust to the enemy's changing tactics.

Richard Younger-Ross: I entirely agree with the point that the hon. Gentleman has just made. On flying hot and high, it is surely understandable that we had problems when we were first in Afghanistan in 2001-02, because we may not have expected the conflict. Given that we have now been there for a long time and that we knew

that this would always be a long-haul campaign, does the hon. Gentleman agree that the failure to supply the right equipment is an appalling indictment of MOD procurement?

Mr. Howarth: I think so, but in this case I am going to leap to the defence of the Ministry of Defence, because it was the Treasury and the then Chancellor of the Exchequer who were at fault. The then Chancellor was personally responsible for what happened, and it is only fair to pin the blame on him—he starved the Ministry of Defence of the money it needed to provide kit that was identified as necessary. As Prime Minister, with his current Chancellor, he is responsible for starving the Territorial Army of the money it needs now. It is grotesquely unfair to blame the service chiefs. They have no money. They have got to find the money from somewhere, and wherever they found it they would have been criticised; but we shall debate the Territorial Army tomorrow and I do not want to stray out of order today, Mr. Taylor. Nevertheless, the point made by the hon. Member for Teignbridge is valid.

The only other observation that I want to make about helicopters is that it would be helpful if the Minister told us why he decided to proceed with the Puma life extension programme, by which the helicopter, the accident record of which is not a happy one, is being upgraded in France and Romania, and will take three years to be fit to enter theatre. It is a damning indictment of the Government that they have gone for that programme, which I am told by the manufacturer could be accelerated if they wished. Those of us who have seen operations in Afghanistan know that our forces could certainly do with more Chinooks in the field. They have proved to be extremely capable and resilient aircraft, and perhaps the answer would have been to order more of them. We shall see about that after our defence review next year.

In fairness to the Government, since 2005 they have responded. I think that my hon. Friend the Member for Congleton knows that when I came back from Iraq in September 2005, having seen the inadequacy of the Snatch Land Rover, I picked up the phone to the then Secretary of State and said that something had to be done about producing better armoured vehicles. He said that the matter was in hand. Sadly, at that stage, it was pretty well the Vector, which my hon. Friend rightly criticised. Since then a new range of vehicles has been introduced. My hon. Friend mentioned the Mastiff, which has proved extremely effective. However, that protective kit is not cheap. The Mastiffs are about £1 million a copy. Inside, yes, they are bank vaults on wheels, and the Mastiff in particular has a fantastic record of saving lives, but they are not suitable for all operations. They have limited off-road capability.

[Mrs. Joan Humble *in the Chair*]

The point that I want to make to my hon. Friend is that there is a vast amount of highly technical equipment in a Mastiff, including communications equipment, none of which comes cheap. There is the equipment for electronic counter-measures, which are one way of trying to deal with some IEDs. A lot of work has to go on ensuring that the latest iteration of the electronic counter-measures equipment does not interfere with the radio communications equipment. I hope that that thumbnail sketch shows the huge complexity of producing those vehicles to what is called theatre entry standard. It is very expensive.

My hon. Friend the Member for Congleton referred to the Ridgback. I have driven in a Ridgback at DVD, the defence vehicles display, which is a great exhibition. This year there was a self-contained area just parading the armoured vehicles so that one could see their range at a glance. It was truly impressive. We have certainly moved on in the past four years, since my hon. Friend and I first expressed our concerns. However, at £650,000 for four seats, one must ask how much value for money that is, to achieve the military effect. There is a further problem because from inside those vehicles it is pretty difficult to see outside. In a Warrior, of course, one cannot see anything. Situational awareness is very important to the soldier. That is why the Jackal is so popular. It is not an expensive toy. It is a very serious bit of kit, which has tremendous off-road capability—and off road one has less chance of giving the enemy the planned route, and in theory that extends the options. We now have a range of equipment, but we should keep costs constantly under review, because what matters is not the individual platforms but the capability, and capability can be delivered in different ways. I slightly resile from concentration on individual bits of kit, although of course that is the Minister's responsibility. As the shadow Minister, I have responsibility too, but I should want us to focus in our mind's eye on capability. What do we need to do to achieve the effect? We may do something in a Ridgback, but we may do it in a helicopter.

The scene is one of constant change; it is not static. It was very interesting to talk to a soldier at DVD. He had come back from Afghanistan earlier in the year. I asked him about the Viking. The only time I went out in the desert outside Camp Bastion I was in a Viking. I thought it was a horrible bit of kit—claustrophobic; I did not like it at all. However, when it was introduced about three years ago it was the bee's knees. Everyone thought the Viking was a superb bit of kit. The guy I spoke to said, "Our equipment only has to be out there for a couple of weeks and the enemy has ascertained exactly where its vulnerable points are." That makes the challenge to policy makers and procurers very demanding indeed. The enemy have a vote in this. It is easy to think of the enemy as primitive. Their attitudes are primitive, but their ability to use every bit of modern technology to advance their cause is not.

We, too, must adjust. Our procurement programme must be much more adaptable and agile than it is. The issues are highlighted in the Bernard Gray report, which we all regard as being in part the statement of the blindingly obvious, but also a good encapsulation of where the problems are. There is a need for agility in decision making. The good news is that industry is responding. I do not know whether my hon. Friend the Member for Congleton was able to go to the defence equipment exhibition at London docklands last month. I know that the Minister was there. There was a fantastic array of the capabilities being produced by industry, which is really responding. My hon. Friend mentioned Ricardo and its kit. There are many others coming forward offering a plethora of vehicles, and my hon. Friend will be pleased that most have V-shaped hulls; people have been reading what she and others have said. Industry is responding. It is necessary to have a procurement system that can also respond quickly.

[Mr. Gerald Howarth]

My hon. Friend has a point when she says that we need things cheap but cheerful. It is a rather inadequate expression, for me, but it encapsulates the things on which we need industry and the services to focus their minds: they should not over-specify. It is not relevant to this debate, but we shall have a new future surface combatant—a new ship. I and my colleagues keep telling the Royal Navy not to over-specify it. What the Royal Navy needs is ships, but we should not over-specify its equipment.

I repeat what I said earlier about Afghanistan. It is easy to say that the enemy is primitive and that we need only a few turboprops.

Ann Winterton: Defensive aid suites?

Mr. Howarth: Defensive aid suites would have to be put on and would add weight. The Tucano has a payload of 1.5 tonnes, and I think that the Harrier's is about three times that. The defensive aid suite does not deliver payload, it is expensive and adds to the cost, and it renders aircraft more vulnerable as they are slower flying and so on. I have flown the Tucano and the PC-21. I commend the latter to the Minister as the best aeroplane for the future training of Royal Air Force pilots. As the first non-company man to fly it, I can say that it is a magnificent bit of kit. There is a real role for less sophisticated equipment, but we must be careful.

I turn to a point raised by the hon. Member for Teignbridge, which is that military planners have to plan for the worst. It is important that we are not seduced into saying that Afghanistan is "the" war not "a" war. Yes, there is an imperative to win in Afghanistan, but it is a seriously dangerous world out there. Not only do we have Iran, but Russia has invaded a sovereign country, laying claim to 450,000 miles of the Arctic seabed, and North Korea is developing and selling nuclear weapons. We live in a dangerous world, and the idea that we should surrender some of our capability at this time would, it seems to me, make it more dangerous.

General Richards is a superb chief of the general staff and a good man. I know him well and like him, and he makes many intelligent points, including about the range of capabilities, something that I shall touch on as I conclude. However, I believe that we must to try to adapt our equipment to whatever military operations are immediate. We have the Tornado and Harrier for close air support, which is vital, and both aircraft have performed well in that role, but they have a role also in the more strategic campaign, so adaptability will be an important factor. However, we cannot afford to make do without an air superiority fighter. We do not know what is around the corner. In recent conflicts, the air environment has been benign; there has been no serious air threat and our ground forces were therefore protected from air attack. If our ground forces are vulnerable to air attack—well, I need only mention the name of Simon Weston to make people realise what can happen if we do not have air superiority.

My hon. Friend the Member for Congleton did not, I think, touch on the subject of our continental partners. However, I can say that it is pretty reprehensible that our NATO partners in Europe have failed to come to our support. At a meeting with the German Defence Minister earlier this year, I asked, "Why didn't you send us some helicopters?" He said, "Oh, we have an election coming up, and in any case we need the approval of the German Parliament." Our European partners should understand the need to step up to the mark. They have helicopters, and they should make them available to support the campaign in Afghanistan, which is at the heart of military operations.

I have some criticism of the Government. They were slow to respond, as I said. In a spirit of reasonableness, I can say that they have now produced a range of vehicles. However, I do not like the way in which Ministers are lauding the fact that they have spent £3.6 billion on urgent operational requirements as if it were some kind of fantastic largesse. It was the very least they could have done for our armed forces, given the nature of the war that we are fighting. The idea that it should have come from the core Ministry of Defence budget is utterly perverse. That is exactly what urgent operational requirements are for, and that is what they should have delivered.

If we are at war, then of course we need the kit, but there is a price to be paid. There is no through-life capability management attached to urgent operational requirements. As we heard from the hon. Member for Teignbridge, the lack of fleet commonality is another problem, so kit does not fit into the core programme but stands alone. There is also a lack of spares, which was summarised by the Public Accounts Committee in its report earlier this year. That includes a shortage of spares for the Mastiff, which, as my hon. Friend the Member for Congleton said, is doing a fantastic job out there.

Finally—I wish to leave the Minister plenty of time to answer the many points that have been made—the defence review that the Government want to hold and which we will hold if we are returned to power next year must be based on foreign policy. However, it must take account of threats and potential threats in the wider world. My hon. Friend cited General Sir David Richards as saying that we could not afford the full range of capabilities. Yes, we know that the Government have destroyed our economy, but we are nevertheless one of the major economies in the world. Instead of asking whether we can afford to remain a major world power, we should ask whether we can afford not to. Serious consequences will flow if the nation should decide that it wants to concentrate on Afghanistan and retreat from the rest of the world. Given that the world is such a dangerous place, that is something that we cannot afford to do. We must resist it. Serious consequences would arise were we to retreat into our shell.

I conclude by thanking my hon. Friend the Member for Congleton for all that she has done in highlighting the importance of kit for our troops in the field. She has done the House, and those on the front line, a great service by doing so.

12.7 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): I congratulate the hon. Member for Congleton (Ann Winterton) on her success in securing this debate. It is not only right and natural but highly desirable at a time when our forces are fighting in a distant country in the interest of the security of this

nation and given the tragic losses that have resulted, that Parliament should focus on that conflict and that Members of Parliament should probe the Government on matters such as our procurement policies and our choice of vehicles and helicopters. I congratulate her on doing so. As the hon. Member for Aldershot (Mr. Howarth) rightly said, the hon. Lady has a superb mastery of her brief. I am always amazed by the detail of her knowledge and the homework that she does on all kinds of equipment—not merely what equipment has been procured but what we might have procured. It is a complex and wide field, so I sincerely congratulate her.

The Government are, of course, 100 per cent. committed to and focused on doing the very best for our fighting men and women, but I sometimes think that we tell the enemy too much about what we are doing and about our capabilities and what we are planning. On certain subjects, such as counter-IEDs, I shall be discreet and cautious in what I say, but as the hon. Lady raised that important matter at the outset, I can say that not only are we focused on the subject—I meet the team who work on it systematically every two months to go through exactly what is being done—but we collaborate closely with our allies on the subject. Without going into detail, I can say that our relationship with the Americans on that subject is about as close as it possibly could be. I hope that we are not leaving any stone unturned. The hon. Lady sounded anxious about whether we had close co-operation with our allies, but I assure her that we most certainly do. It is essential to all of us because we all face the same threat, fighting as we are in the same cause.

Not entirely surprisingly, the hon. Lady dwelt at some length on the armoured and protected vehicles that we have in Afghanistan, and she mentioned the Snatch. I do not want to disagree with anything she said about Snatch, but it was not a vehicle that was conceived for the Afghan campaign. As I have said before in the House, it is inevitable in every war that we do not start off with exactly the kind of equipment that we would ideally like to have. We take into account the terrain, the threat and the enemy tactics, and improve things as we go.

My philosophy is that our procurement programme should be actively managed and that we should aim to secure a constant pipeline of improvement, whereby at any one time, we buy the best equipment that money can buy, we ship it to theatre as rapidly as we can—after we have trained people on it—and, while we are doing that, we plan for the next improved generation of equipment. When I say generation, I mean a cycle lasting one or two years.

During the time that I have had my responsibilities, our vehicles in theatre have been pretty much transformed. We are replacing Snatch with Snatch Vixen. Over the next year, we will bring in Snatch Vixen Plus, which is an important move. In 2011, we will replace the lighter vehicles with the new light protected patrol vehicle, to which the hon. Lady referred. At the moment, that is the subject of a competition. We have identified a small number of potential candidates, and we will take a decision in the next few months. We will sign a contract, get the vehicles manufactured, tested, adapted and integrated with communications and electronic counter-measures equipment, provide them as training vehicles to our troops who plan to go out to Afghanistan and deliver them to Afghanistan in the course of the next two years, so that they will be there some time in 2011. I am sure that the hon. Lady will agree that the timing is ambitious, but we will stick to it. If our commitment in Afghanistan continues longer, as it may sadly do—I have no idea and make no prediction on that—we will have a new generation after LPPV.

The same thing applies to the slightly heavier vehicles. The hon. Lady mentioned the Jackal—Jackal 1 and Jackal 2 are both in theatre—and it is very much improved in the protection that it offers. I will not go into any detail about the improvement. Some of it may have appeared in public—on the internet and so on. I am always slightly nervous about such things, because I do not want to make it any easier for our enemies. If the hon. Lady has been talking to manufacturers, as I think she has, she will know about some of the improvements.

As the hon. Member for Aldershot has generously accepted, Vector was much welcomed by the armed forces at one time, as was Viking. We have improved vehicles now, and we plan to withdraw Vector during next year. We also plan to replace Viking with the new Warthog.

Ann Winterton: The Minister is absolutely correct about Vector being welcomed. I remember attending a briefing at the Ministry of Defence in which a young army officer—I cannot remember his name—recommended Vector. He and I had a slight clash of opinion. I said to him that having the driver's seat over the front wheel would be absolutely disastrous. I do not know about such things, but, as a rank outsider, that point seemed to be obvious. I cannot understand the mentality of those who brought the vehicle into existence.

Mr. Davies: There will always be different views about any armoured vehicle. The hon. Lady will understand that I am not a technical expert; I do not present myself as one, but one hears different arguments from the experts and one has to try to take a view. I have no doubt that our current procurement programme reflects the consensus among professionals. I go to great lengths to ensure that the capability analysis that we undertake is very thoroughly conducted, that I talk not only to our capability people but to Permanent Joint Headquarters and those on the front line whom I visit every six months at least. So we do what we can to ensure that we make the right choices, but we have to make constant choices. We are in the business of making constant improvements. The hon. Lady mentioned the Mastiff, which is viewed as a well-conceived vehicle by everyone in theatre. She rightly said that it was quite large; if I remember it is about 28 tonnes. We have now delivered to theatre a smaller version called the Ridgback, which has been mentioned several times in this debate.

We are now bringing into theatre a whole range of new logistic vehicles, some of which are adaptations of the fighting vehicles or patrol vehicles that I have already mentioned. The Coyote, for example, which is being delivered, is a version of the Jackal. We have the Wolfhound, which is a logistic version of the Mastiff with a dump truck at the back, and another logistic support vehicle called the Husky. The hon. Lady expressed some scepticism about the Husky. We have to take advice from the best technical experts, and I can assure her that the Husky

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has been thoroughly tested; it has been blast tested. I am assured that it is the best choice of vehicle for that role, and I trust that that will be the case when it is deployed. The hon. Lady may be comparing the Husky with some other American vehicle, not entirely similar to the Husky, which did not do quite as well in blast tests on the other side of the Atlantic.

The hon. Lady also raised the issue of helicopters, which has been mentioned by all those who have participated in this debate. I will deal with that subject in a moment when I address the remarks of the hon. Member for Aldershot, who made particular reference to the subject, because I do not want to have to go over the same ground twice.

The hon. Lady also raised the idea, which she has put to me before, of using light aircraft—often single-engine, turboprop aircraft—in an intelligence scanning role or to weaponise those aircraft and deliver weapons from them. As the hon. Member for Aldershot said, the problem with doing the latter is that, because those aircraft are light, they do not carry a great payload, so they are not very efficient in that role. The problem of using them in an intelligence scanning role is that they are nothing like as versatile and as sustainable in the air as the unmanned aerial vehicles. UAVs can stay much longer and their endurance, to use the technical phrase, is much greater. What we essentially want with such vehicles is endurance. They have to be in the air for as long as possible, so that commanders can use them and direct them to some new objective. UAVs remain in the air for the whole time and do not have to come back and be refuelled. Incidentally, the Tucano cannot be refuelled in flight, so its endurance is pretty low; I think that it is about a maximum of seven hours. Therefore, that does not compete with the endurance of our UAVs, which I will not specify in the Chamber, because I do not wish to give the enemy information that they might not already have.

We are investing in a range of UAVs. Next year, we will replace the Hermes 450, which has done superb work, with the Watchkeeper, which has rather better all-weather capabilities, greater endurance and a number of other qualities such as improved sensors and so forth. We are in the process of purchasing more Reapers, which are a development of the American Predator. If we can avoid using a pilot and putting a human life at risk, that must be the desirable way in which to go.

Mr. Gerald Howarth: I put it on the record that QinetiQ is producing the Zephyr, which is an amazing UAV. It holds the world record both for altitude and endurance. To the uninitiated, it looks like a huge Keil Kraft kit, and it is solely powered by solar power. It is a British innovation, and I hope that the Ministry of Defence will continue to back it. I have a vested interest because some of my friends in Farnborough are responsible for developing the excellent programme.

Mr. Davies: I am sure that hon. Members will be grateful for that plug for the Zephyr. It is a vehicle I know about. We have a great many vehicles that are presented to us and the points made by the hon. Gentleman in favour of the Zephyr will be noted, not least by QinetiQ.

The hon. Member for Teignbridge (Richard Younger-Ross) wisely said that it is impossible to know what threats one will face in the future. I agree with him. He implied something that I strongly believe in and have often said explicitly, which is that it is important that someone in my position is not entirely focused on the current campaign. It would be a great mistake and, in my view, would be in breach of my responsibilities if I were to do that, however tempting it might be given the enormous public pressure—quite rightly so—regarding our performance in Afghanistan. All of us are equally affected by the thought of those brave men and women, who are not only risking their lives but all too often losing them in this terrible, but I am afraid unavoidable, conflict.

That is why the Government have continued with some of the mainstream programmes, including the naval programmes and the decision last year to build the carriers and to go ahead with the escorts necessary for those carriers, both the Type 45 destroyer and the future surface combatant mentioned by the hon. Member for Aldershot. There is also the Astute class submarine programme and investment in combat aircraft, fast jet aircraft, the Typhoon and the joint strike fighter. None of those are directly related to Afghanistan, although the Typhoon would be suitable for a ground-support role and might be deployed there in that role. However, we are going ahead with a range of capabilities, because we cannot predict exactly what the future threats will be.

If ever we deploy troops on the ground in the future, we will certainly need air support and air superiority. I believe that it is humanly and politically impossible for us to deploy troops on the ground without air superiority, so we must invest in efficient combat aircraft. We must invest in ISTAR—intelligence, surveillance, target acquisition and reconnaissance—assets. It is inconceivable that we would have a campaign that did not require good intelligence gathering and surveillance capability. We are investing in those things as part of the core programme, and we will continue to do so. We live in a world in which we do not know where the threat is coming from. We must be prepared to deploy in different areas, and we might need to carry our airfields with us. That is why we need carriers, and support and escorts for those carriers. That is the essential logic, and I assure the hon. Member for Teignbridge that we are not neglecting it.

The hon. Gentleman also said that in times of financial stringency, we need to look carefully at where we can make savings through collaboration with our partners in the EU. I thoroughly agree with him, and we are trying to do that. I am in a high-level working group, which I co-chair along with my opposite number from France. At the moment, we are focused on a number of concrete possibilities for collaboration, and we are looking for synergies where we find that we have the same requirements. We are facing the same threats, so it makes sense to find mechanisms to procure things jointly, to get the benefits from economies of scale and share the risks in research and development. That is what we are trying to do.

There was a characteristic outburst from the hon. Member for Aldershot, but I think he is quite wrong in his ideological hatred of all things European. I think that he blinds himself to a lot of important facts, one of

which is that there are certain programmes that we could not possibly conceive of undertaking on our own. It would be utterly ridiculous to suppose that we would ever have had a Typhoon aircraft, which the hon. Gentleman believes in, if this country had had to bear the full costs and risks of the development programme. It is the same for the A400M and, in their day, was true for the Tornado, the Jaguar and other historic programmes.

Ann Winterton: I would like to say, quite frankly, that other European countries have made a great deal of money out of those contracts. Most ordinary men and women in the United Kingdom would like to see more people—not just a few more—present on the front line. We very much resent the fact that it is British, Canadian, Estonian, Dutch and Danish troops who have paid the price in Afghanistan, and we do not see any of the other major European countries participating at all.

Mr. Davies: That is not entirely fair. The French, for example, have doubled their commitment to 4,000 troops over the past year. We welcome the German commitment, although I agree that we would like them to remove the caveats. We have discussions with the Germans about those matters, but we have to respect other people's constitutional issues. However, we believe that any contribution is better than none, and the contributions that Germany has been able to make to our deployments since Bosnia have been very positive. Before that, there was a total ban on all foreign deployments, which was a worrying situation.

The hon. Member for Aldershot has an obsession with attacking the Prime Minister. Obviously, there are always financial constraints, and always will be—Chancellors have to be good housekeepers of the nation's resources. However, it is up to the Ministry of Defence to decide how to arbitrate between its various programmes and where the priorities should lie. It is not for the Chancellor to intervene—he did not intervene in the cases that were referred to—and direct the Ministry to spend more money on one programme, or less money on another.

Hon. Members across different parties—except perhaps the party of the hon. Member for Aldershot—and people throughout the country are becoming increasingly cynical about the Conservative party criticising the Government for not spending enough money on defence, when it has not committed to spending one more penny on defence than the Government. I will give way for the last time, as time is running out.

Mr. Gerald Howarth: If the Minister reads Bernard Gray's report, which the Government suppressed when it was made available in June, he will find that Mr. Gray concluded that about £2 billion could be made available if the Minister ran the Department more efficiently.

Mr. Davies: There are many aspects to Mr. Gray's report. Some give an interesting and valuable insight, and some are more controversial statements. Some statements are not backed up by any evidence at all. Such reports are extremely useful, and we are grateful for them. However, they do not necessarily represent the end of wisdom.

The hon. Gentleman completely failed—perhaps he has not noticed—to pay tribute to the immense investment that we are currently making in helicopters for Afghanistan. There is already something like an 80 per cent. increase in the number of helicopter hours available now, compared with 2006 when we entered Helmand, and that is before the deployment of new helicopters that is about to take place. Before the end of the year, we will deliver the first Chinook Mark 3 to the RAF, and others will be delivered over the course of next year. Next month, I trust that we will deliver the first Danish Merlin—which was mentioned by the hon. Member for Congleton—to Afghanistan, and the others will follow before too long.

We are engaging in the Puma upgrade, which the hon. Member for Aldershot did not approve of, and I will give him an explanation for that. I looked carefully at various alternatives over the summer and decided that the best value for money solution for getting the maximum helicopter lift capability out to theatre as rapidly as possible was to go through with the Puma upgrade, so that is what we are doing. Far from being a bad aircraft, Puma has a good performance record and is particularly good in the hot and high conditions of Afghanistan. That is not the end of the story, and I continue to look at the Sea King upgrade, and at whether we should spend that money on other existing platforms and deliver them to theatre as soon as possible.

Several hon. Members mentioned the need for greater speed and agility in defence procurement. I entirely agree, and I have tried to ensure that we draw conclusions and lessons from the urgent operational requirements programme for use in the core procurement programme. In the time available, I will give one or two examples. For armoured vehicles, for example, we are procuring the Warrior upgrade and the new reconnaissance vehicle using a different time scale from usual. We decided what we wanted to do in February or March this year, and we went out to industry in June with an invitation to tender. We expect those tenders to be in rapidly, and we intend to take a decision by the end of the year and to sign the contracts early next year. To return to the point made by the hon. Member for Teignbridge, that is an area where we are collaborating with the French. We are procuring the same cannon for those vehicles as the French are obtaining for some of their vehicles—the 40mm CTAI cannon. It is produced in France through a joint venture between BAE Systems and Nexter, and it is a good example of European collaboration.

The whole House will be deeply grateful to the hon. Lady for giving us the opportunity to go into these matters in greater detail than we usually have time for. I pay tribute to her once again both for her knowledge and for her persistence and energy in bringing these important matters before the nation.

Swindon to Kemble Railway

12.30 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to have the opportunity for an Adjournment debate at this particularly important time. I am even more delighted that so many colleagues have come to a half-hour debate, including the hon. Members for Cotswold (Mr. Clifton-Brown), for North Wiltshire (Mr. Gray) and for Meirionnydd Nant Conwy (Mr. Llwyd) and my hon. Friend the Member for Gloucester (Mr. Dhanda).

I wish that the debate were an hour and a half long so that we could all add to it, but my comments will be short because, to be honest, we all know what the issue is. I have spent more than 20 years of my life on it. To be clear, the line is not in my constituency, but the Stroud valley line, as I refer to it, has a huge impact on my part of the world. At the moment, we have only four trains a day on that line because Sapperton tunnel has fallen in yet again, which shows the need for investment.

However, that is not the point of this debate. The point of this debate is, I hope, finally to move forward on an issue that has dogged us all for a long time now: the 12.5 mile-long single line between Swindon and Kemble, which needs redoubling. It was a huge mistake to have singled it in the first place, but we are now trying to put that right. It is great to see my hon. Friend the Minister here to listen to our plaintive pleas. We think that we are almost there, but there are a couple of hurdles in the way and it is vital that we clear them. As I said, I will not make the argument, because it has been made so many times. We know it so well that I dream about it.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I congratulate the hon. Gentleman on obtaining time for this important debate. He realises that we in Plaid Cymru have no designs on Swindon, but the impact on south Wales would be severe if there were no redoubling. I remind him that an emergency such as a crash or a tunnel collapse would also have a severe impact. More to the point, redoubling would mean an hourly service for 17 hours a day between London and south Wales, which would be important economically. What he is saying has broad acceptance and goes much wider than the Swindon area.

Mr. Drew: I thank the hon. Gentleman for that. I am sure that others will want to speak as well, so I shall be even shorter.

Why is this an acute time? There are two specific reasons. First, we know that we must make a decision by December, or the team working on the North Cotswold line in the constituency of the hon. Member for Cotswold will probably be reassigned, and we will lose the moment of opportunity. Secondly, the money must be secured. That is why time is important. There seems to be a move, which I support totally, towards viring the money that will not be spent on the Westbury bypass, for all sorts of reasons that I will not pursue, into the scheme to give us the money for which we have long argued.

I bear a grudge about the original Office of Rail Regulation decision to prioritise the North Cotswold line. I got wild about it, but that time in history is past and we need to concentrate on the argument now. When the hon. Member for Cotswold and I went to meet the noble Lord Adonis, we met for the first time a kindred spirit who saw what needed to happen; it was just a question of how. We are now at the "how" stage.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am grateful to my neighbour for allowing me to intervene, and I congratulate him on securing the debate. When we went to see the noble Lord Adonis, who was then a Minister, he gave us a strong steer that he wanted the scheme to happen. Since becoming Secretary of State for Transport, he has given the regional development agency an even stronger steer that if it makes the scheme a priority and allocates the funding, it will happen. Is it not the case that what we really want from this debate is for the Minister to say that the regional assembly has accepted that advice and will allocate funding to the project?

Mr. Drew: I agree totally. In his letter to the chairman of the RDA, whom I saw last week, my right hon. Friend the Minister for the South West gave the clearest steer possible that the money should be allocated, if for no other reason than that it could be lost anyway. If we do not get the money, it is not as though someone else in the south-west will—it is likely that it will be lost. That is why this debate is crucial. I refer to that letter, which my hon. Friend the Minister knows about. As far as I can see, all the ducks are in a row, but the sad thing is that we have had them in a row before and lost out nevertheless.

That is the key issue. Where is the money, how do we secure it and who might not have reached the same stage as us? It is genuinely an all-party issue. All parties would gain by it, because it directly and indirectly involves a whole range of constituencies, including in south Wales.

By pure chance, I happened to chair the South West Regional Select Committee yesterday, which was not surprising as there were only three of us and I drew the short straw. In the papers that we received on the issue, it is clear that not all the environment directors across the different local authorities represented have necessarily given their go-ahead. However, the key body seems to be the South West Strategic Leaders' Board. I hope that my hon. Friend will have some interesting things to say about how central Government are lobbying to redouble the line. It must be done for the reasons that I have said.

Mr. Parmjit Dhanda (Gloucester) (Lab): I am grateful to my hon. Friend, who has been campaigning on the issue for a considerable period. He knows that if we can get the money to deliver the scheme, it will make a massive difference to the journey from my constituency to London.

My hon. Friend is right to point out that the South West Strategic Leaders' Board has a role to play. If the cross-party consensus is as strong as the Minister can see in this room, should any hurdles appear from the leaders' board, will he take action to ensure that money is provided for the scheme, regardless of what the board ultimately says?

Mr. Drew: I will come to the funding, but I want to refer to information I received from Chris Irwin of TravelWatch SouthWest as a result of the meeting yesterday.

He has been enormously helpful in making the arguments and going out to persuade people. According to Chris, the key thing is that this particular redoubling seems to tick all the necessary boxes. It is within the Great Western route utilisation strategy. Like other Members, I have a paper from Network Rail that says basically, "This can be done; we just want the green light."

However, we need to be clear who is providing the money and what the real cost will be. The funding has risen from some £38 million to more than £60 million and now seems to have fallen to about £50 million. We need clarity about the funding, and we need to know where it fits in regard to regional funding advice 2. Everyone seems to be arguing for it, but nobody seems to know the total sum that we are dealing with or how it breaks down. It is clear that if the £30 million, if that is the sum available, could be vired over from the Westbury bypass, that should do it, but there are issues with the Welsh Assembly and whether it wishes to help paying for GRIP—guide to railway investment projects—stage 4, which involves research and studies proving that the work needs to be done. The Welsh Assembly may have been approached; the line is such an important reserve and freight route, coming not just from south Wales but from further south.

Who is paying, and what are central Government putting in? I know that in a sense the money is coming from central Government anyway and that it has been churned, but central Government must be clear what they expect to happen to the money and what money is available. I mentioned £50 million. I have heard estimates that the cost might be as low as between £40 million and £45 million. Considering the benefits of the intermodal journey shift, the freight opportunities and the reserve line to south Wales, it seems like an absolute shoo-in.

I ask my hon. Friend to be clear about how important the scheme is. To get five Members to a half-hour debate—many others have expressed support—says something about where it fits in our priorities. Will he make it clear who is making the decision? Will it be signed off by the Government? Will the South West Strategic Leaders' Board or the Welsh Assembly be part of the decision on the funding stream?

Who is in support of the other side? I have had lobbying for the scheme from all manner of organisations.

Mr. James Gray (North Wiltshire) (Con): I congratulate the hon. Gentleman on securing the debate. Nearly all the engineering work between Kemble and Swindon is in my constituency, although there are no stations in it. We are keen that a number of improvements be incorporated when the work is done. In particular, the culvert at Minety should be widened to reduce flooding and a high-speed train station could be built at Purton. Those are both urgent issues that I hope the Minister will mention in his response.

Mr. Drew: There are all sorts of bids in this debate. The last one is that the Cheltenham to Swindon line was identified by the Association of Train Operating Companies as one of 10 schemes for electrification. I do not want to be greedy, but the line cannot be electrified until it has been redoubled and made fit for purpose. That means that there is an even greater reason to carry out the redoubling.

Mr. Clifton-Brown: I was not going to intervene, but one important point should not be lost in this debate. I understand that when the south Wales line is electrified, the Severn tunnel will have to be closed for a considerable time. The Kemble to Swindon line will be an important diversionary route when that happens, which makes the redoubling even more important.

Mr. Drew: The term "diversionary line" is important given the current difficulties because the Sapperton tunnel is shut. Yesterday, I learned from the South West Committee how important it is that the rail system, like the road system, has diversionary routes. That must be thought about. That is why the Kemble to Swindon line is so important. It is a diversionary line for south Wales and potentially for the south coast, which is even more reason why we should get on with the redoubling.

I will not say more. I could have said very little. All I am here to say is, give us the money and give us the hope. Let us get the job done because everybody is calling for it. It is about time we did it. As somebody who uses the line all the time, I know it is a good line full of the potential I have spoken about. I hope that the Minister has heard our pleas and will come up with the money. I hope that he supports Lord Adonis, with whom I had one of the best meetings I have attended. It was a can-do meeting. Let us do the can-do stuff and turn this opportunity into reality.

12.43 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I hope that the lurgy that has descended on me allows me to continue for the next 15 minutes.

I congratulate my hon. Friend the Member for Stroud (Mr. Drew) on securing this debate. He has been diligent and determined in promoting the case for redoubling the Swindon to Kemble route. I welcome the presence of other colleagues.

I am pleased to have the opportunity to explain how a redoubling scheme might be delivered with the help of the south-west region and Network Rail. The Secretary of State for Transport and the Minister for the South West have written to regional partners to outline their strong support for the scheme. We recognise the value of the extra capacity and improved train performance that redoubling would create.

Before I turn to the detail, I remind hon. Members how the region and passengers on the Great Western main line are benefiting from our ambitious rail plans. The performance of First Great Western has improved greatly over the last year. Network Rail reported that 92.3 per cent. of trains arrived on time in the four weeks to 22 August 2009. On 23 July, we announced a £1.1 billion electrification programme for the Great Western main line between London and Swansea and between Liverpool and Manchester. That is great news because it will boost jobs, cut journey times, make the service more reliable, increase capacity, contribute to greener transport and build on recent improvements in train performance.

From 2016, commuters travelling between London, Slough, Reading, Newbury, Didcot, Oxford, Swindon and other intermediate stations will benefit from the reliability and comfort of electric trains. By 2017, the route will be electrified to Bristol, Cardiff and Swansea. Electrification will mean that minimum

[Chris Mole]

journey times between London and Swansea will be reduced by 19 minutes and capacity will be increased on inter-city services during the morning peak hour by at least 15 per cent.

As we have heard, Network Rail identified the redoubling of the Swindon to Kemble line as one of several options that would improve the performance of the Great Western main line and the wider network. Network Rail believes that it would improve performance especially when it acts as a diversionary route for London to south Wales trains when there is engineering work on that line or in the Severn tunnel. The south-west region and local authorities believe that redoubling is essential for an improved Cheltenham and Gloucester to London service.

The Office of Rail Regulation concluded that there was not sufficient evidence to justify the inclusion of the Swindon to Kemble enhancement as a funded scheme to deliver the high-level outputs specified by the Government. That decision has been debated frequently in the House. We have responded positively to hon. Members' representations.

My predecessor, my hon. Friend the Member for Glasgow, South (Mr. Harris), committed officials to working with the rail industry and regional partners to make the case for redoubling. More recently, the Secretary of State for Transport wrote to the regional partners outlining his strong support for the scheme. In response, the south-west region, the Department for Transport and the Welsh Assembly Government have funded a rail investment study by Network Rail, which should report on the main costs by December 2009. That is a good example of different bodies working in partnership and I commend them for their contributions. The region offered a contribution of £20 million from its regional funding allocation towards the cost of redoubling. That was very welcome. Pending the outcome of Network Rail's study, there is still a shortfall of well over £20 million.

I recognise that redoubling the Swindon to Kemble line is a regional priority that could facilitate growth and support resilience and performance. In our recent response to the region on its regional funding advice, we asked that consideration be given to taking forward a fully-funded Swindon to Kemble major scheme. However, despite the benefits, there is still reluctance from some partners in the region to commit additional resources from the regional funding allocation to fund the scheme fully.

The Network Rail study is due to report in December and the main prices and design will be firmed up. We look to Network Rail to develop an efficient price for the enhancement works. The national rail budget remains fully committed up to 2014 and cannot bridge the funding gap. That means that the £20 million that the region has allocated to the scheme from the 2010-11 regional funding allocation could be lost to the region and not recycled back into the RFA.

As my hon. Friend the Member for Stroud knows, a number of hon. Members spoke in favour of redoubling at the South West Regional Grand Committee on 3 September. The Minister for the South West was asked to help. Following the Grand Committee, the Secretary of State for Transport and the Minister for the South West agreed an offer to the south-west region that would see the redoubling scheme come forward without any other regional schemes being displaced. If the region submits to the Department for Transport by 16 November an agreed, realistic and deliverable five-year programme, the funds previously allocated to the Westbury bypass, which are due to be lost by the region, could be reallocated fully to fund the Swindon to Kemble scheme. By way of explanation, the Westbury bypass scheme was recently refused planning permission following a public inquiry.

In conclusion, the spotlight is on Network Rail to achieve an efficient price for the scheme. It is working hard to do so, but until it has worked through the detail and shows that an affordable price can be achieved, further work cannot go ahead.

Mr. Drew: So we have another date, which is 16 November. I ask the Minister in the nicest possible way whether, if no proposal comes forward, he will engage with the parties, including the hon. Members who are present, so that we can sit around a table and find a way to bring the scheme forward. It is so important that I do not want it to be lost because a date comes up and nobody puts forward a proposal. It would be helpful if he opened his door so that that process could take place.

Chris Mole: I think that I have said to my hon. Friend and other hon. Members present that the Department is hugely supportive of the scheme. We are obviously currently working with the time frame and, if it is not met, we will have to look at the matter again. I am more than happy to talk to him and other colleagues about finding a way forward in that eventuality.

Mr. Gray: In the Minister's considerations, will he kindly bear it in mind that all the engineering work for the Kemble to Swindon redoubling would be done in my North Wiltshire constituency? People in my constituency broadly welcome the move, and I very much support hon. Members who have spoken this afternoon, but will the Minister bear it in mind that the engineering work is in my patch and that there are two or three detailed things that we would like to be done during the engineering work? We must not lose sight of the fact that those things—the widening of the culvert at Minety, the possibility of intermediate stations and two or three other minor engineering matters in North Wiltshire—must be taken account of.

Chris Mole: I can assure the hon. Gentleman that Network Rail always seeks to take the opportunity to do works where it is efficient to do so. However, I would not want to see elements being added to the scheme that undermine the basic affordability of the dualling of the line. We will have to look carefully at what he is proposing before committing to any additional works.

The region is reaching a key decision point. We have set out the way forward very clearly and the funding outcome is now in the hands of the region. I commit the Department's officials to working with the region on the matter. The Strategic Leaders' Board and the board of the regional development agency will need to consider the approach and the offer we have made. I hope that they will respond positively to the offer made by the Minister for the South West by 16 November, as we have requested.

Mr. Clifton-Brown: If I understand what the Minister has said today correctly, the region has already committed £20 million and has, at least, a further £20 million to commit if the scheme is given priority because the Westbury bypass can no longer be funded. Would it not be churlish of the region not to make the submission by 16 November because, if it does not do so, it is likely that it will lose the entire amount of money back to central Government?

Chris Mole: The hon. Gentleman has summed up the situation well. I can only say that we have the best chance now to take advantage of the window of opportunity to which my hon. Friend the Member for Stroud referred. I pledge to continue to keep an oversight on the matter, along with the Minister for the South West. We need to see that Network Rail is proposing something affordable. If the region accepts the Government's offer, spending could be completed in the fiscal year 2011-12. Our aspiration for commissioning the doubled track would then be December 2012.

12.53 pm

Sitting suspended.

Central London Businesses

1 pm

Mr. Mark Field (Cities of London and Westminster) (Con): No one can dispute that the past year has been tough for businesses large and small nationwide. Their future will remain uncertain, as the climate in which they operate continues to be unpredictable, and any signs of sustainable economic recovery are likely to be tentative. One might therefore have hoped that any further tax burden on our nation's commercial enterprises would be avoided at all costs, but the business rates burden for many companies, especially some of the small, diverse retailers in central London, is deeply disturbing. Business rates in the city of Westminster have already risen by 5 per cent. following an inflation-linked increase that kicked in this April. Although the Government have made the concession of allowing that increase to be spread, I fear that many of the businesses with the most vulnerable profit margins will struggle. Much worse is to come, however. In the financial year beginning 5 April 2010, the average business rates bill in Westminster is expected to soar by 38 per cent. The increase is designed to raise an extra £456 million for the Treasury, provided that those enterprises all stay solvent, as a result of the five-yearly revaluation of commercial properties. In addition, larger businesses face the prospect of paying a supplementary business rate to pay for Crossrail, so many Westminster firms will have to absorb a triple whammy of taxation.

The revaluation exercise has been spread across the nation and is designed to be fiscally neutral, creating a system of winners and losers. London's businesses have traditionally subsidised other regions—the net outflow of tax from the capital in 2007-08 was estimated at somewhere between £14 billion and £19 billion—but companies in my constituency are being plundered to such a degree that their success is being taken for granted. Central London's businesses are not a cash cow, and as the Member who represents both the City of London and the city of Westminster, I cannot ignore the huge burden that is about to be placed on local businesses, largely as a perverse penalty for the district's long-term success. With trading conditions so tough, such taxation could scupper the city's fragile economy. Given that London is the ongoing engine of the nation's economy, this is not simply a parochial issue, but one of national importance.

The impending burden on businesses in my constituency was brought into sharp focus when I was informed earlier this year about the dire situation for the booksellers of Cecil court. It would be difficult to represent my constituency and to love it the way that I do without being sentimental. Amidst the brash modernity of a global financial city, with its fast-moving cosmopolitanism, lies a timeless history, seeping from every last court and alleyway. Antiquarian booksellers and map shops pepper some of the busiest tourist streets at the heart of Westminster—nowhere more so than in Cecil court, which is literally a stone's throw from Leicester square and the world-renowned Charing Cross road.

My first encounter with Cecil court came a decade and more before I entered Parliament. As a fresh-faced graduate, I would frequently meet friends in Leicester square, but I usually contrived to arrive a few minutes

[Mr. Mark Field]

early in order to pop in to Cecil court or wander down Charing Cross road. Its most famous address, No. 84, which was immortalised by the touching, eponymous Helene Hanff book, has long since ceased to be a book shop, but the plaque to Marks & Co. and the delightful Frank Doel stands there proudly to this day. Anyone who loves books will adore reading about the sentimental journey of British and US life together in the 1950s and 1960s that it so beautifully describes.

Among others, the famous actor, Simon Cowell—I am sorry, I mean Simon Callow; I am getting my X Factors mixed up—shares my fondness for that corner of London. Back in April, he highlighted in his *Guardian* column the plights of Cecil court tenants who are struggling with business rates. I thank that newspaper for doing such sterling work in highlighting this issue, which is particularly important because we will host the Olympics in 2012, and culture is an integral part of the Olympics. I very much hope that our Dickensian side streets, courts and alleyways will be an important part of our cultural offering to the world at large. Mr. Callow implored readers to write to Cecil court's local MP to give their support, and I soon found myself inundated with letters from across the country, each with a charming and individual tale to tell about the warm memories that that tiny corner of London evokes. I also received correspondence from other small businesses in my constituency, which informed me of their difficulties in absorbing the impact of new business rate levies on their tiny profits.

As the Minister knows, business rates are collected by local councils but are set by central Government using a complex formula that adjusts the rateable value of a property, which is established independently by the Valuation Office Agency, by a multiplier. For those who are unfamiliar with taxation speak, the rateable value is the official estimate of the value of a property. The multiplier is set by the Government and usually changes each year in line with inflation. Although the main changes in business rates occur around the five-yearly revaluation of a property, the review of the multiplier can inrease business rates significantly for individual businesses. Such was the case for many Cecil court tenants.

Given that the 2009-10 multiplier is based on the retail prices index figure for September 2008, when inflation was 5 per cent.—that was before the recession had begun to bite and before the RPI tumbled to zero—those traders had anticipated a financial shock when April came. They had received transitional business rate relief in the past four years, but that was due to cease as well. I appreciate that there can be perverse results whenever a formula is used, and, clearly, the fast-changing economic situation has played its part in this situation. Thankfully, the Government have taken on board some of our concerns, and there will be only a 2 per cent. increase this year; the remaining 3 per cent. of that inflation element will be spread between 2010 and 2012.

Businesses of the size of those in Cecil court are fragile. Several shops in the court have gone out of business this year and countless niche stores are disappearing from other areas of London. The worry is that such shops will be taken over by Tesco Express or Starbucks. I like both those brands, but we need to protect the integrity of areas such as Cecil court. As the excellent Tim Bryars, secretary of the Cecil Court Association, has said:

> "For some years transitional rate relief softened, masked even, what the full impact of the policy of exaggerated business rates would be. We grumbled at small rises, from 5-15 per cent., but absorbed them. Then, with no limit this year, my bill rocketed. In 2008-09 I paid a total of £4,325.72; this year I'm paying £7,696. My rateable value, based loosely on rent, is £16,000 and the multiplier is 0.481—in other words nearly half of my rent again."

Now that the threat of an up-front 5 per cent. increase for the current financial year has been staved off, a larger threat looms on the horizon—further change to business rates as a result of the five-yearly revaluation. As the excellent magazine, *Retail Week*, has reported:

> "If 2009's bills are likely to be greeted with a grimace, 2010's are set to be a horror show".

Since the system was set up, revaluations have been based on the increase in property values between the April of two years before and the April of five years before that. In other words, the revaluation for 2010 is based on the difference between property values in April 2008 and April 2003—a somewhat notional, random five-year period in which rental values rocketed as the economy seemed to go endlessly from strength to strength. New business rates in Westminster will therefore be levied at a time of economic woe, having being calculated using figures from the peak of an economic high. I fear that when they are eventually issued in April, they will bear little relevance to the ability of struggling businesses to pay. Such rates could put many companies into a kind of negative equity.

As I have said, the revaluation exercise is designed to be fiscally neutral and is not supposed to raise any additional income across the country. Revaluation simply redistributes the burden of taxation—in this case putting it more firmly on the shoulders of businesses in central London, where rental values have increased the most between 2003 and 2008. Understandably, the Government will no doubt proudly declare that the rates of more than 1 million businesses will fall this year, but those decreases will have to be paid for and they are coming out of the pockets of my local business people and, to a lesser extent, of other companies in the capital.

Although London accounts for only 12.5 per cent. of the country's residential population, around 28 per cent. of business rates are levied here, reflecting the capital's importance as a place of work and play and as a tourist attraction. With the latest revaluation, the Treasury is expected to collect an additional £565 billion from the capital.

Westminster has the largest economy of any local authority in London and accounts for 2.2 per cent. of national gross domestic product. A colossal £1.1 billion is collected by the Westminster local authority on behalf of the Government, which is more than the combined collections from the City of London, Birmingham and Manchester, although the City of London of course also pays a significant amount in that way. In return, Westminster received only 12 per cent. of that money back through grant funding. I imagine that many people would try to square that by assuming that that money is being sucked only from big businesses based in the city centre, and we all know that some huge businesses and the headquarters of many international companies are

based in both the City of London and the city of Westminster, but it needs to be stressed that around 70 per cent. of all business premises in Westminster are occupied by firms employing four people or fewer.

Let us look at some specific examples of how significant the new burden will be. As a result of revaluation, the rates for an average office in Westminster will rise by 38 per cent. in the next tax year, but for somewhere like the Marylebone road that figure will be 72 per cent., and it could be over 100 per cent. in Knightsbridge. For a large store on Oxford street, the estimated increase in the business rates bill will be £3 million a year in the next tax year, in addition to what is already a fairly hefty sum. A small business somewhere such as Soho will face an additional £1,500 on top of an £11,000 bill—I am sure that that is particularly close to the Minister's heart.

It should be kept in mind that those businesses will receive no extra services for that additional money. Richard Dickinson of the New West End Company—one of the business improvement district creations of recent years—has said:

"The scale of these increases in chilling. Given the West End's contribution of the wider economy both in London and nationally, this will impact everybody."

Every business rate system has a transitional relief scheme that runs alongside it, but I fear that there remains a lack of clarity, which I hope the Minister will be able to remedy, over the Government's plans for the 2010-11 scheme. There will apparently be around £2 billion of support to reduce the average rate increases for nearly 112,000 London businesses, but the increases will be so large for some firms that I find it difficult to believe that that fund will make any significant difference.

As is always the way with these things, there have also been some basic errors in how the transitional relief has been dealt with. The closing date for its consultation was 23 September, predating the release of data from the valuation office for England on the new rateable values. Therefore, those responding could not accurately assess their potential liabilities. That has threatened the confidence of Westminster's 47,000 businesses in the Government's handling of the whole business taxation issue. Furthermore, Westminster city council is concerned that the increase of 19 per cent. to the threshold for small business rate relief for London's companies is still less than the 20 per cent. increase for the rest of the country.

Also, the increase in valuations will push many local businesses above the £50,000 threshold for the supplementary rate to pay for Crossrail, which we hope will be built in the years to come. Before the revaluation, Westminster city council estimated that some 8,979 companies were liable for the supplement, but we believe that that will soar to around 12,448 by April 2010. Although the council supports Crossrail, it is concerned about the additional 3 to 4 per cent. hit on businesses that previously would have been under the threshold.

A supplementary business rate levy for Crossrail, a 5 per cent. increase in business rates and a huge revaluation will conspire to create a triple whammy for Westminster's businesses in April 2010. That is incredibly worrying for those struggling already with uniquely difficult trading conditions. It also defies logic that rateable values can increase by an average of 60 per cent. in the city and business rates can increase by 38 per cent., while the threshold for receiving small business rate relief has increased by only 18.6 per cent. Those rate increases simply do not reflect the reality of current business activity and serve to highlight the weaknesses of a system that makes revaluations and enacts those changes at entirely different points in the economic cycle. I accept that we are in a very unusual economic situation and do not wish to point out blame as a formula is in place, but there are times when we need to look carefully at whether a formula will have the perverse impact to which I have referred.

Ideally, Westminster city council would wish the rate changes to be deferred until the economy improves and, at the very least, to have the threshold raised to a point where business rate relief schemes apply. With rate relief and revaluation, small businesses will be treated like bigger businesses simply because of the value of the buildings that they occupy. Come April 2010, therefore, many small enterprises in my constituency will find that their premises have supposedly increased so much in value that they will jump over the threshold for rate relief, even though the operation or profitability from March 2010 to April 2010 will not have changed and, indeed, might have worsened. Such a system, I fear, creates a huge disincentive to starting a small business in my constituency. Furthermore, if the Chancellor fails to raise the thresholds, many businesses will find themselves above that £50,000 marker and will be liable for the burden of supplementary business rates. The council believes that it is absolutely crucial that the supplementary business rate be included in the transitional arrangements and that any caps on increases be set at a level that includes those increases.

Overall, the transitional arrangements mask the fundamental flaws in the business rate scheme. The system works in a somewhat perverse way, penalising businesses and local authorities that invest in an area and its infrastructure through schemes such as business improvement districts. For instance, efforts in my constituency to increase street security and improve the appearance through hanging baskets and better lighting are likely to be taken into account during the revaluation process and result in higher rateable values and an increased business rate burden. Therefore, Westminster city council would prefer a complete overhaul of the system, rather than somewhat inadequate attempts to mitigate business rate rises. Should the Government decline that option, I would like to have at least a commitment to the review over the next two years of the transitional arrangements.

In the longer term, I would challenge the sense of a scheme that takes two years from valuation to billing. Surely, it would be better that at least an element of localisation is introduced to ensure that businesses obtain some local benefit from the rates they pay. At a time when the Government are encouraging local authorities to work closely with businesses through schemes such as business improvement districts, the deficit between taxes paid and the link to services provided threatens seriously to undermine the relationship between the public and private sectors.

Put simply, the revaluation of 2008 will lead to a bad tax change that will be implemented at a time of unprecedented uncertainty in the economy. There are so many businesses teetering on the edge of viability that Westminster city council really must ask that the

[Mr. Mark Field]

changes be deferred until the wider economy improves, and I reiterate its words. The sums of money already being sucked from central London businesses to other parts of the country are huge, and the latest changes will simply accelerate that trend. Most firms in the capital accept that their location comes at a cost, but if such huge levies are to be imposed, it seems only fair that some part of the business rate is retained locally to give a real link between businesses and local authorities that provide their setting and many of their services. The Government must look urgently at reviewing the rate relief scheme to assist businesses that are being pushed over the threshold simply because of the supposed value of their premises.

Without the kind of changes that I am proposing, the Government are in danger of prolonging and deepening the economic slow-down for Britain's largest economy. London's largest businesses will suffer, but those with premises nationwide might have their increases partially off-set by decreases in other sites. For shopkeepers such as those in my beloved Cecil court, small office workers and the burgeoning city centre enterprises, there is no such compensation and their future is grim.

I wish to raise one final point, as representatives of the City of London have asked me to address an issue that arose during a House of Lords debate on the Business Rate Supplements Bill. From a somewhat tangential angle, it relates to a clarification of the tax deductibility of voluntary contributions, as opposed to payments made compulsorily by rate supplements that are made by businesses for the Crossrail scheme. As the Minister may be aware, the Corporation of London is putting in its own money but is also raising money from businesses based in the square mile. We are keen to know whether there will be a tax deductibility element for that. I appreciate that I have not had a chance to speak to her in advance about this, so I would be happy to take a written reply in due course. I hope she will be able to address some of the other issues that I raised today.

1.20 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) on securing this timely debate. The issue exercises my Department and many businesses across the country. Like him, I love London, and I share his interest in and enthusiasm for its many and varied businesses, especially those in Cecil court where, like him, I spent a large chunk of my youth. Sadly, Foyles is no longer there, but I have good memories of it.

The businesses in Cecil court, along with the myriad large and small businesses that make London one of the most important drivers of our economy, use community services such as transport, lighting, the police and education. As I am sure the hon. Gentleman will agree, it is only right and proper that, as they do so, they pay their rates.

As the hon. Gentleman said, rateable values are reassessed every five years. The next revaluation will take effect from 1 April next year and will be based on the rateable values at 1 April 2008. As he explained extremely clearly, thanks to the current economic turbulence and changes, and because London has experienced the highest rise in property values in England over recent years, the city will almost certainly experience the highest rise in rateable values in the country. Unlike the hon. Gentleman, who puts the increases at around 35 per cent., we estimate that they are likely to be about 10 per cent. on average, before inflation and other reliefs are taken into account.

However, before everyone, including me, takes a sharp breath, that does not mean that rateable values across London will all increase at that rate. We estimate that ratepayers occupying almost 45 per cent. of properties in London—about 124,500—will in fact see their rates liability fall as a result of revaluation. In fact, small shops in London such as those in Cecil court could see their rates liability fall by 3 per cent. on average in 2010-11. If the hon. Gentleman would care to look at some of the figures we have that detail that, I would be happy to share them with him. Overall, there would be a reduction of some £6.5 million.

I am glad to say that 56 per cent. of properties in outer London—about 72,000 in total—will also benefit from the revaluation. We estimate that they should see an average decrease of £950 in their rates liability for 2010-11.

Those liable for business rates in London, including me, can also take some comfort from the fact that looking at rateable values in isolation does not always give an accurate indication of the bills that businesses will be expected to pay. The multiplier that the hon. Gentleman mentioned, which is used to calculate bills, is adjusted at the same time that new rateable values take effect. If they go up across the country, the multiplier is adjusted downwards. For example, at the 2005 revaluation, the multiplier was reduced by 4p in the pound.

Then there is transitional relief. There is more comfort here, even though the hon. Gentleman does not see it as a solution to the problems. The Government consulted on the 2010-11 transitional relief scheme over the summer. Under their proposal, rates on small properties will be capped at 5 per cent., and at 12.5 per cent. on larger properties. We estimate that that should reduce the average increase of 10 per cent. in rates in London to about 3 per cent.—in other words, a 7 per cent. drop—and that the businesses that see the biggest rise in their bill as a result of revaluation will gain the greatest amount of relief. In total, we expect that 112,000 properties in London—24 per cent.—will benefit from transitional relief. In fact, we estimate that 16 London boroughs will see the total rates liability fall due to the revaluation and transitional relief.

As the hon. Gentleman knows, the Government do not share his view that business rates should be relocalised. Pooling the proceeds of business rates on a national basis and redistributing them between authorities ensures that the revenue that is raised is allocated fairly. If local areas kept all the business rates they collected, those with a firm business base would be over-resourced in comparison with those with a smaller base.

Mr. Mark Field: I am sure that the Minister would not wish to characterise my proposal for an element of localisation as saying that the entire rates amount should be retained. Clearly, ratepayers in both the city of Westminster and the City of London are not unrealistic

about the huge amount of money that is at stake, much as many of them do not like the present arrangements, but does she share my concern that, if there is literally no nexus whatever between local authorities and those who pay rates locally, that could do great damage to the whole democratic process, and that trying to introduce an element of localisation would be a sensible way forward?

Barbara Follett: Successive Governments—not just my own, because this system came in in 1990 under the hon. Gentleman's party—have tried to ensure that the distribution is as fair as possible. It is obviously not always feasible to make it totally fair, but we believe that at present we have the fairest system possible.

The hon. Gentleman expressed concern about the impact of the Greater London authority's business rate supplement, which is due to be introduced across London at the same time as revaluation in 2010. As he knows, the supplement will play a key part in funding Crossrail. The London Mayor, who is responsible for levying the supplement, has recently consulted on the detailed arrangements. While it is for him to argue the merits of the case for introducing a supplement in April 2010, I believe that many hon. Members on both sides of the political divide agree that London has waited too long for Crossrail, and that we have to do what we can to reap its benefits. It should also be remembered that businesses are not being expected to contribute something for nothing: Crossrail will bring huge benefits to the London economy.

The hon. Gentleman asked why the Government have not committed to increasing the £50,000 threshold in line with the revaluation in 2010. Rateable values are unlikely to rise equally across the country. Indeed, as I said, in some areas they are likely to reduce, and any upward revision of the threshold would mean that councils saw a reduction in their ability to raise revenue, thereby limiting the size of project that they could fund using the supplement.

Mr. Field: I accept that, but, equally, it is widely recognised that the Business Rate Supplements Act 2009 is there, first and foremost, for Crossrail, a project that is already on the stocks. Therefore, this is a London-related issue, not one that necessarily will initially have an impact on other parts of the country.

Barbara Follett: I understand what the hon. Gentleman is saying, but, again, the problem is getting fairness in a hugely varied picture. Given the regional variations, we believe that the £50,000 threshold sets a minimum level of protection for businesses. Any further exemptions would have to be decided locally, and, to that end, levying authorities such as the GLA have the power to increase the threshold. It could be done, but it would have to be done locally.

I understand that businesses are going through particularly difficult times at present, and that is why my Government have taken steps to ensure that business is supported through the recession—

Mrs. Joan Humble (in the Chair): Order. We must move on to the next debate.

Family Finances

1.30 pm

Ms Sally Keeble (Northampton, North) (Lab): I am grateful for the opportunity to debate this important subject, which goes to the heart of public concerns about the recession.

All of us know just how hard it is for hard-working families to cope in the recession, and adapting to the changing circumstances has produced some major changes in family life that I suspect will become permanent—more women as breadwinners and more men caring for children. These and other changes are set out in a research project that I ran in my constituency from March until September, which is written up in a report titled, "Northampton Families and the Recession 2009".

I want to ask the Government what they are doing to meet those changing circumstances and family roles and how the welfare state and the different forms of support that the Government provide will adapt to them. Let us look at the stark statistics of the recession. Unemployment has risen to 7.9 per cent. nationally and to 7.2 per cent. in my constituency of Northampton, North—up by nearly 83 per cent. on the same period last year. It is not only unemployment that is hitting family incomes hard. Family budgets are squeezed because people are losing hours at work and overtime shifts and are sometimes also agreeing to wage cuts so that they can keep their jobs.

It did not take long for the effects of the recession to be seen in my advice surgeries, where constituents, many of them women, told me about what was happening to their families. They were fearful about how they would manage to weather the financial storm, about what was happening to their husbands and, particularly, about the future for their children. Due to the number of people who came to the surgeries, I commissioned research to investigate and chart the financial and social effect of the recession on the working families of Northampton, North and to look at the policy implications for the Government. The project included quantitative and qualitative research, through a survey and group discussions, to gain insight into the experiences and concerns of the community and to find out what Government action was helping and what else needed to be done.

Some of the results were surprising. More than 40 per cent. of the people who took part in the survey had experienced a change in their work status, in the form of reduced hours, going from full-time to part-time work or losing their job entirely. Many of those who had not faced job changes themselves spoke of changes in their partner's employment. In Northampton there is a high track record of both partners working: both men and women work.

One of the most startling results was finding that more than 40 per cent. of women described themselves as the breadwinners for their families; this was nearly the same number as men. It is a change in the notion of the male—the man—as the primary breadwinner, which has been accepted as a social norm and on which many of our benefits and support systems have, to a great extent, been based.

[Ms Sally Keeble]

Although there has been a shift in economic power in the family, the responsibility for caring for the children is not changing so fast. The survey demonstrated that, although caring responsibilities are certainly being shared by partners, the vast bulk of them are still being borne by women. This has meant that the women have carried a great burden in this recession.

A constituent told me that her husband had been made redundant, so she decided to go back to work, but was still expected to care for the children. Others spoke about the challenge of flexible working. Although the Labour Government have made enormous progress over the past 12 years in providing flexible working and family rights at work, many women spoke of the increased pressure that they faced as a result of the recession, which sometimes meant that they were not able to take up their entitlements. I was told by a constituent that the many redundancies at her company were pushing people to work ever longer hours and that there was a lack of understanding of those who needed to work part time to care for children. Another woman wrote about the juggle that she and her partner performed on a weekly basis after having their first child. She did a remarkable amount of work. She said:

"I had to go back to work full-time when my daughter was nine months old I work 6.30 to"

3.30 pm.

"My husband works"

from 4 pm to midnight.

"Both of us work Monday to Friday. We can't afford to pay childcare and the mortgage. We don't have a family life, just see each other 15 minutes each day. CHILDCARE IS TOO EXPENSIVE."

It is clear that child care must meet the needs of families in which people are having to work extended and flexible hours. This means providing facilities for families out of hours—in irregular hours—and ensuring that it is affordable, so that work pays. It is no good if child care costs eat up most of the wages.

Pensions were raised over and over in the survey and in the group sessions. In fact, pensions came second only to children in the concerns raised by people who took part in the survey. Many people said that they had not considered how to pay for retirement until their children had grown up, but were now concerned about their pensions. Others expressed anxiety because they worked part time in different jobs and so did not qualify for a state pension. Of course, many of them work past pensionable age. In the past, the focus has been on ensuring that women get equal pension rights. Now and in the future, with men moving from full-time to part-time work or into unemployment, there will be concern over men and women losing their entitlement to a state pension.

Action is needed to protect the post-retirement income of households affected by the recession. With people losing hours at work, the Government need to ensure that they are not penalised in retirement for working fewer than 18 hours. Many of my constituents, particularly women, do a number of different part-time jobs but do not qualify for a state pension as they do not meet the threshold of 18 hours a week. Thus far it has not been possible to find a way for people to pool the hours that they have worked in a number of small part-time jobs to reach the threshold. The Government need to look again urgently at a pooling system, so that those working part time can pool the hours from their different jobs and couples can share credits towards their future pensions, effectively supporting incomes in retirement and enabling couples to plan together for their post-retirement income.

A further acute set of problems face people who are self-employed. The Government must ensure that those who opt for self-employed status because they are in the building industry or who are in another form of self-employment understand that their pension rights are different from those of people who are employed. We must ensure that pensions advice is included in all state-funded money advice services.

The outstanding finding of the research was that tax credits were vital in supporting family incomes. More than 50 per cent. of the families were in receipt of tax credits and this has been key in supporting families in the recession. Most people in Northampton are still in work, albeit sometimes on reduced hours, and tax credits are succeeding in keeping them afloat.

The findings of the research present some challenges for the Government to ensure that families can manage their way through the recession and beyond. I am sure that, for many people, the recession will be a temporary phase, because families in Northampton have long track records of working. The task is to support them so that they can get back into employment.

I should like to make a number of recommendations to ensure that the needs of families are met. Working families fall off a cliff edge if there are two earners and one loses their work. What happens then is that the unemployed person gets jobseeker's allowance for six months, but after that the families can face real pressures, particularly if the other partner works but is not entitled to support. It might help if the contributions-based jobseeker's allowance were extended from six months to a year.

Flexible working arrangements and affordable and flexible child care are paramount. It is easy to say, as the Opposition have often suggested, that the Government can ill afford that, but if women are breadwinners and fathers take on part-time work and more responsibility for child care, more flexible working is needed for men as well as women so that women can make the most of their careers and earning power and fathers are supported in caring for families. It is ironic that the recession could achieve what years of progressive social policy has not—a more equitable sharing of financial and caring responsibilities between parents.

Research has shown that tax credits are extremely effective in supporting family incomes, but the Opposition plan to cut them for 130,000 families. Any steps that can improve and build on tax credits would be greatly welcomed, particularly if the tax credit could be put at the heart of other benefits. That would be a simpler way for families who are already on tax credits to access the extra help that they need during the recession, particularly support for mortgage interest. Many families have benefited from support for mortgage interest, but many are excluded because of how it works.

I was a member of the Select Committee on the Treasury, which produced a report suggesting that the support for mortgage interest scheme should be linked to tax credits if it is to provide more effective help for

families in my constituency. I urge the Government to reconsider the proposed link of the SMI to the tax credit system, and extend much needed support to more families.

I also urge the Government to change the education maintenance allowance to a real-time benefit. At present, it is assessed on parents' income in previous years, but if one or both parents lose their job, they may no longer be able to provide any or as much support for their children's schooling, so the children in turn may suffer. Assessing EMA on current income would ensure that children whose parents lost their jobs did not miss out on education and the qualifications necessary to succeed in future.

The recession has had a profound impact on families. It has aggravated some old inequalities, and created new pressures. That has affected working families, and some pensioners. Some people have had to defer their retirement because they need to support their families. One woman wrote:

"I am past the age of retirement. Still working, and looking after grandchildren and elderly parents. I have saved for my old age, but am unable to enjoy it as my savings have gone down...so I am still working. When will my time come after working for 42 years?"

Another woman wrote:

"I am a 61 year old working full-time, claiming state pension. I get taxed £5 a month which means I don't benefit from having my pension."

She had

"to continue in full-time employment to help my son and grandchildren who spend their days"

looking for work.

The Government have done exceptionally well over the past 12 years in introducing changes to employment rights, pensions and benefits that have helped families not just to make do, but to prosper and to juggle the combined pressures of work and families. However, the recession has set back some of that progress, and it has created a whole new set of pressures of its own. As we come out of the recession, society will have changed substantially and many of those changes will be permanent. Women who have become used to being the breadwinner will not want to return to the kitchen. People who have seen their pension contributions disrupted by unemployment or have had to work part time will want to maintain their living standards post-retirement age, and the changes to their pension rights will be permanent.

I very much hope that in moving forward, it will be possible for the Government to consider some of the experiences of families in my constituency, and to ensure that changes to the benefits system and the taxation system support families, so that people can continue to work to support their families and to enjoy a good quality of life.

1.45 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): I congratulate my hon. Friend the Member for Northampton, North (Ms Keeble) on securing this debate. The people of Northampton, North are exceptionally lucky to have a Member of Parliament who is so committed and so capable, and who combines the expertise that she has gained as a member of the Treasury Committee with passion for her constituents' concerns. She has produced an excellent report on the recession's impact on families, particularly women.

The Government have responded to the recession with a number of measures. First, we have cut VAT by 2.5 per cent. for one year to benefit households by an average of £275. Secondly, we have increased tax-free allowances above the inflation rate, so 22 million basic rate taxpayers are paying £145 less tax this year. We have brought forward the planned increase of £20 a week in child benefit by three months, which benefited another 7.5 million families, and we also brought forward by one year the increase in child tax credit, which benefited 4 million families. As my hon. Friend said, we made mortgage interest support, which is paid as part of income-related benefits, more generous. The changes, which are targeted at people of working age, demonstrate the Government's commitment to provide additional support to those facing financial difficulties and to help to protect them from repossession.

My hon. Friend raised some concerns about how the benefits system operates, and what more can be done. She referred to the difficulty during the recession of families with women who must go out to work and look after their families, and who may have to work longer hours. Ensuring that parents can balance work and family life is crucial at this time, and a win-win for business, individuals and children. That is why the Government have introduced significant reforms to encourage flexible, family-friendly working.

From April this year, the right to request flexible working was extended to working parents with caring responsibilities for children aged up to 16 years. The Government plan to help more people off benefits and into work in a way that supports families. We are not in any way using the recession as an excuse to put the matter on the back burner. Only yesterday, I issued a written statement dealing with lone parents' entitlement to look for work that fits in with their children's school day, so that when they move on to jobseeker's allowance they can balance their work and family responsibilities.

My hon. Friend referred to the importance of child care. As I am sure she knows, the Government have invested more than £25 billion on early years and child care services since 1997 as part of an unprecedented expansion of provision for young children and families. In England, that has resulted in the number of child care places more than doubling since 1997. We now have more than 3,000 children's centres and more than 70 per cent. of schools offering extended services.

My hon. Friend referred to the needs of people in retirement. Overall, we do not anticipate that the current downturn will have a significant impact on future basic state pension entitlement because the rules will become much more generous from April next year. Both men and women will need only 30 years of national insurance contributions or credits to get a full basic state pension.

That change is part of the major reform that will make the state pension fairer and more generous and tackle the historical inequalities in entitlement, especially for women. As a result of the reform, about three quarters of women reaching state pension age are expected to be entitled to a full basic state pension by 2010, compared with less than half now.

[Helen Goodman]

My hon. Friend referred to women who work fewer than 18 hours a week, do not pay national insurance and therefore do not build up a state pension. If they earn less than the lower earnings limit and have children or are caring for someone who is ill or disabled, they should receive home responsibilities protection or, from next April, the new credits for parents and carers. Home responsibilities protection reduces the number of qualifying years that a person needs to receive the full basic state pension. Otherwise, people earning below the lower earnings limit have the option of paying voluntary NI contributions. A voluntary class 3 NI contribution costs £12 a week, but the actuarial value is £45 a week, so the contributions are good value for money for the people choosing to pay them.

My hon. Friend also referred to women with several jobs, each paying below £95 a week, who are not building up a state pension. If someone has more than one job, each job is treated separately for NI purposes. If the person earns less than £95 a week in each job, NI will not be deducted from their earnings, but they have the option of making voluntary NI contributions.

My hon. Friend made it clear why it is a serious concern that the Conservative party proposes to push back, on a very early timetable, the date at which women will be allowed to retire. That highlights the huge financial impact that there will be on many families.

Ms Keeble: Could my hon. Friend comment on the position of a husband and wife, or partners, who both work and who just fail to qualify? Might there be a way in which they could pool their entitlements so that the household qualifies for a pension?

Helen Goodman: We would have to consider that suggestion very thoroughly before going down that route, because obviously we do not want to move back from independent taxation of men and women.

I would like to deal with tax credits, because my hon. Friend pointed out the impact that they have. At the moment, tax credits are operating as a particularly flexible and responsive system, in that as people's incomes fall, possibly because of fewer hours or less overtime, their tax credit entitlements ramp up. That means that tax credits are an even more effective fiscal stabiliser than the traditional tax and benefits system. They are obviously helping people to weather the recession.

In March, 355,000 households whose income had fallen were receiving on average £35 a week more in tax credits. That is 55,000 more households than were receiving extra tax credits at the same time last year. Take-up of tax credits is now the highest ever for an income-related system of financial support, ranging between 81 and 92 per cent.

In talking about tax credits, my hon. Friend referred to the timing of the changes in entitlements. She made the same point in respect of the education maintenance allowance. I am a Department for Work and Pensions Minister and I cannot speak for the Treasury or my colleagues in the Department for Children, Schools and Families, which is responsible for the EMA. This is an ironic situation to be in, obviously. When the economy was booming, everyone wanted us to stabilise people's incomes by giving long-term fixed awards and not changing tax credits frequently. Now, of course, we are in a different phase of the economy and the pressures go the other way, but notwithstanding the points that came out of my hon. Friend's research, it would not be right to return to a system of more frequent changes to tax credits entitlement, because the uncertainty that that produced for people was very problematic. I would be concerned that a more flexible approach would lead us into the administrative problems that we had in the early years of developing tax credits.

My hon. Friend referred to people who are entitled only to the contributory jobseeker's allowance and she asked whether we could extend access to that benefit to 12 months as an effective way of tackling poverty. It is not clear that extending contributory jobseeker's allowance to 12 months for one person in a couple if one or both are suffering unemployment is the most effective use of public money to reduce poverty. We can do other things that will have a better impact on that.

My hon. Friend made clear the important responsibilities that women have and are increasingly taking on in the recession. Indeed, they are often left to manage the family budget and debts, as well as to juggle work and child care, so the Government have provided impartial debt advice and money guidance in every major town and city throughout the country through an additional 500 debt advisers. We have increased access to affordable credit through the growth fund investment of nearly £100 million in credit unions. That is ensuring that nearly 200,000 people on low incomes have been able to obtain affordable loans, rather than paying the exorbitant interest rates charged by home credit companies and illegal lenders. Three quarters of the people taking those loans were women and many were mothers.

I am especially pleased to be able to announce today that the growth fund credit service is to be extended from Corby, Kettering and Wellingborough into Northampton as quickly as possible, with a further £250,000 available to ensure that the families in my hon. Friend's constituency can benefit from the service that that provides.

My hon. Friend suggested linking support for mortgage interest to tax credits. Linking help in that way would clearly be a major change, with cross-Government implications. We would need to consider that long-term option as part of a more fundamental revamp of the benefits system. We have already taken steps to support home owners who are in work and do not qualify for help towards their mortgage through the benefits system. In April, my right hon. Friend the Prime Minister announced that home owners mortgage support was available to help home owners who suffered a temporary income shock. That means that eligible home owners will be able to make smaller mortgage repayments for up to two years, without the risk of losing their homes.

To conclude, I remind everyone of the measures that the Government have introduced to help people and families to survive the recession and to come out at the other end ready to benefit from the recovery that we hope to see shortly. We have introduced Sure Start children's centres and child tax credits. We have enabled credit unions to serve another 300,000 people. We have

made loans to 200,000 poorer families who could not obtain affordable credit elsewhere. We have reduced the number of people without bank accounts from nearly 3 million to under 1 million. We have increased the number of cash machines in poorer areas by nearly 600. We have introduced 500 more face-to-face debt advisers. We have introduced a money guidance service and we have started putting loan sharks in jail, where they belong. That shows a significant commitment to supporting families in the difficult economic situation at the moment.

Question put and agreed to.

1.59 pm

Sitting adjourned.

Westminster Hall

Wednesday 28 October 2009

[MR. JOE BENTON *in the Chair*]

Death Penalty (Global Abolition)

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Watts.)*

9.30 am

Mr. Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to serve again under your chairmanship, Mr. Benton. It is also a particular pleasure and something of a novelty—perhaps it is even the first time—that I have obtained an Adjournment debate on a topic on which I can speak almost entirely positively about Government policy.

The Minister for Europe (Chris Bryant): Come over here!

Mr. Carmichael: The Minister is very kind, but I shall resist the temptation.

It is a matter of some pride for me, as a British national, when I travel to different parts of the world, to be part of a country that has not used the death penalty for the past 40 years and whose policy today is to oppose its use wherever it happens in the world. That is a significant policy, and I commend the Government for their adherence to it and, as I have learned in recent years, promotion of it. I appreciate the assistance of embassy and consular staff in different parts of the world who are, as I have seen, active in promoting Government policy. Earlier in the year, I travelled to Seoul, where the embassy had organised a seminar or conference encouraging local politicians to abolish the death penalty, or at least to maintain the moratorium. The assistance that I received from staff there and in Tokyo, and most recently in Washington DC and from the consul general in Atlanta, was first rate and not to be faulted.

David Taylor (North-West Leicestershire) (Lab/Co-op): I congratulate the hon. Gentleman on obtaining the debate. Will he mark, in his speech, the passing a few days ago of Ludovic Kennedy, whose 1961 book, "10 Rillington Place", about the hanging of the backward, illiterate Timothy Evans for the murders that John Christie had committed, led ultimately, at least in part, to the 1965 abolition? Ludovic Kennedy played a major part in that, did he not?

Mr. Carmichael: Yes, the late Ludovic Kennedy did indeed play a leading role in the case for abolition. I was fortunate as a teenager to meet him a couple of times. I was trying to persuade him to stand for rector of the university of Glasgow. He had sufficient judgment not to rely on my campaigning skills and he politely declined the invitation, but he was a truly inspirational character. He took the view—I know because I heard him speak on the matter many times—that, in the terms that Amnesty International uses, the use of capital punishment is the ultimate denial of a human right. He was motivated ultimately by justice. Even after the abolition of capital punishment in this country, he maintained an active interest in the issue. He also maintained an interest in campaigning on other miscarriages of justice, especially in this country. I was most intimately familiar with his involvement with the Paddy Meehan case in Scotland, but he also took an active interest in the Guildford Four and the Birmingham Six.

All those cases serve to remind us how right we are to have maintained our opposition to capital punishment in this country as an instrument of domestic policy. A thread running through the use of capital punishment, wherever it happens in the world, is the fact that criminal justice systems are fallible. They are run by people for people, and people can make mistakes, as happened recently in the state of Texas in the case of Todd Willingham. It is now accepted that an innocent man was executed.

Once we have accepted in this country that our system has got things wrong, as happened with the Guildford Four and the Birmingham Six, we can at least turn the key in the door and let those who have been wrongly imprisoned walk free. That cannot happen to Todd Willingham in Texas, where even now the government are not prepared to allow further ventilation of the issues. That is the one argument that those in favour of the death penalty can never refute: the opportunity for mistakes, and the finality of that. Whether one takes my view that it is morally wrong for the state to take a life, or a more pragmatic one, the case against the use of the death penalty is substantial and unanswerable.

I remind hon. Members of my entry in the Register of Members' Interests about various campaign visits that I have made on this subject. I am also a member of Amnesty International and a patron of an organisation called Amicus—a charity operating in this country to provide legal representation for people facing the death penalty in America. I want to mention my appreciation of the efforts of the campaigning and legal organisation Reprieve, with which I have also worked closely.

There are three headings on which I want to speak this morning. First, I want to mention a couple of specific current cases involving United Kingdom nationals. Then I will touch briefly on the question of countries where the death penalty is used for juveniles. Finally, I shall deal with a few bilateral issues—in particular, matters affecting our relations with Belarus, Japan and the United States of America.

Perhaps the most pressing—and indeed most publicly commented on—of the cases involving UK nationals at the moment is that of Akmal Shaikh. The Government are engaged in his case and some hon. Members may be aware that he is awaiting execution in China. He is a 53-year-old British man from London. His appeal before the Urumqi high court was denied in August, although I am told that the Foreign and Commonwealth Office was not informed of that until earlier this month. His sentence is now to be reviewed by the People's Supreme Court, and if that is not successful, he will be executed.

The concerns that I and many others have about Akmal Shaikh's case include his apparent mental health difficulties. He has always maintained that he went to China to start a career as a pop star. He met a group of men in Poland who persuaded him to travel with them to China via Tajikistan. Upon arrival in the airport

[Mr. Carmichael]

there, he was told that he would have to travel to China alone, as there was only one seat left on the flight. His companion gave him a bag to take with him and said that he would be on the next flight. He was then arrested with 4 kilograms of heroin at Urumqi airport. He told the officials that the suitcase did not belong to him and that he did not know anything about the drugs. We are told that no intimation of the death sentence was given to the Foreign and Commonwealth Office until some months after it had been passed. That is indicative of the extreme secrecy that shrouds the use of the death penalty in that country.

Reprieve is actively engaged in Akmal Shaikh's case and has sought permission for Dr. Peter Schaapveld—a clinical psychologist—to visit him and make a proper assessment. To date, Dr. Schaapveld has not been allowed access to see Akmal Shaikh, but there is already substantial evidence in the public domain that he suffers from significant mental health issues. I am told that, on the last appeal hearing on 26 May, he insisted on reading a long, rambling and often incoherent statement to the court, notwithstanding advice to the contrary from his legal representatives. Embassy staff at that hearing were not allowed to take notes, and Dr. Schaapveld was of course denied access to his patient. I am told that the Foreign Office produced a number of the e-mails that Akmal sent to the embassy in Poland while living there. It perhaps gives a flavour of the man's state of mind that they were written in a 72-point font, and they were described to me as being rambling and incoherent.

I have some questions for the Minister on Akmal Shaikh's case. For the benefit of hon. Members and those outside who are watching the case with interest, will the Minister outline how the Government plan to intervene in the People's Supreme Court? We know that it now automatically reviews every death sentence. However, we do not know the timings, so there is clearly an element of urgency about the representations that the Government should be making.

The Minister's Department was asked to file an amicus curiae brief with the People's Supreme Court outlining its opposition to the death penalty and, in particular, addressing the question of mental health. I am told that the Foreign Office replied that it would prefer to write to the court, rather than enter a formal amicus curiae brief. I would be interested to hear the Minister's explanation, not least because China has been known to use amicus curiae briefs when its nationals have been involved in legal proceedings in other parts of the world. It is difficult to see what objection there could have been to that more formal route being followed.

The other case to which I shall refer briefly is that of Naheem Hussain and Rehan Zaman—two British nationals facing execution in Pakistan. The background to their case is that they were subject to a significant degree of torture following their arrest. The history of the case is fairly well in the public domain. Early consular intervention could have made a significant difference. It is a matter of regret that early intervention was not as vigorous as it might have been. If the Pakistani authorities failed to make a meaningful investigation or to take other steps to rectify the situation in a reasonable time, what will the Government do to preserve their position? Will they consider instigating legal proceedings against the Pakistan Government pursuant to the UN convention against torture?

A number of issues relating to consular involvement have been raised with me, but I do not feel able to explore them today. However, I should be grateful if the Minister were to indicate a willingness to engage with me and other members of the all-party group on the death penalty and the right hon. Member for Birmingham, Ladywood (Clare Short), who is representing Hussein and Zaman and who has been vigorously involved in their case from the start.

On the question of juveniles being the subject of capital punishment, I have been campaigning with Amnesty International, most recently in the case of Delara Darabi. So far in 2009, six juvenile offenders have been executed, four of them in Iran and two in Saudi Arabia. Last year, Iran executed eight juveniles. It is clearly prohibited under international law, as stated in article 6.5 of the international covenant on civil and political rights and the convention on the rights of the child. Iran is a party to both treaties, Saudi Arabia to the latter only. Neither country should be executing children under the age of 18.

Will the Minister continue to urge the Iranian and Saudi Arabian authorities to uphold their international obligations, calling an immediate moratorium on the execution of juvenile offenders as a step towards the ultimate abolition of the death penalty in those two countries? Will the Government continue to make representations to the relevant authorities whenever a juvenile is scheduled for execution there?

The position of Belarus should concern the Government on a bilateral basis. It is the last country in Europe to continue to use the death penalty. We do not know much about the country's use of the penalty, but I understand that four people were executed there in 2008. Belarus is one of those countries—Japan is another—where condemned prisoners are given no warning that they are about to be executed; they are usually executed within minutes of being told that their appeal for clemency has been rejected. Their families are generally told days or weeks after the execution that it has been carried out.

In June, the Parliamentary Assembly to the Council of Europe voted to restore special guest status to the Belarusian Parliament, but under certain conditions. One was that it should instigate a moratorium on the death penalty. Notwithstanding that, two people there have been sentenced to death this year. Their appeals have been turned down by the Supreme Court and the prisoners are now appealing for clemency. On 12 October, the UN Human Rights Council called on the Belarusian Government not to execute Vasily Yuzepchuk until it had also considered the appeal of Andrei Zhuk.

Will the Government continue to call for the moratorium required under the Parliamentary Assembly's resolution No. 1671 of 23 June, which deals with the status of the Belarusian Parliament? Will the Government press the Belarusian Government to uphold their obligations as a party to the international covenant on civil and political rights and to respect the decisions and recommendations of the UN Human Rights Council? Will they continue to press for clemency in the other two cases to which I have referred?

Japan is now one of the top 10 killing states in the world. Having been in Japan earlier this year, I formed the impression that the country is sensitive to its standing in the world. It is a global trading nation, and people understand that it does Japan no good to be in a position that puts them in the company of nations such as Iran, North Korea and Zimbabwe.

David Taylor: One of the most egregious cases is that of Hakamada Iwao, who was sentenced to death in 1968 and has been on death row ever since. He has been in solitary confinement for 29 years, and is exhibiting symptoms of mental illness. He confessed under duress, but withdrew his confession at his trial. Could not the Minister urge the Japanese ambassador at the very least to offer the man a pardon or a retrial?

Mr. Carmichael: The hon. Gentleman anticipates what I was about to say. I, too, have been engaged in that case. When I was in Japan, I was privileged to meet a number of those campaigning in support of him. I also met his sister and one of the three trial judges that presided at Hakamada's trial. In my experience as a lawyer and politician, Hakamada's case is unique. In addition to all the compelling evidence to which the hon. Gentleman referred, one of the three judges who presided over the trial has now said that he was never persuaded that Hakamada was, in fact, guilty. If that is not what we in this country would regard as a reasonable doubt, I do not know what is. If our commitment to international standards of procedure in criminal justice means anything at all, the Minister should take on board the hon. Gentleman's suggestion. Hakamada has been in detention for 43 years, 29 of which were spent in solitary confinement. As a consequence, there are, unsurprisingly, substantial concerns about the mental health of Hakamada Iwao. To execute a man in such circumstances falls well below the standards of basic decency and humanity that we are entitled to expect of those countries that, along with us, are part of the international community of nations.

The one bright spot in relation to Japan is the recent change of Government. I understand that the new Justice Minister is an abolitionist, so we may have got to a position in which there is a de facto moratorium in Japan. That remains to be seen, but I hope that the Government here will take the opportunity to push the case for a moratorium in Japan, because the standard of care for those on death row in that country is probably among the worst in the world. When one considers some of the other countries involved in such a practice—China, North Korea and others—it is quite a damning indictment.

Finally, I should like to bring to the Minister's attention the position of the United States of America. The USA is one of the largest users of the death penalty in the worldwide community. It is one of those countries that is most frequently cited as the reason why countries such as Japan, Saudi Arabia, China and others feel that what they are doing cannot be that bad because they are only doing what the United States does. It frustrates me that there is real opportunity for the United States to give a positive lead, which would make a tremendous difference to its standing in the world community, but it refuses to do so.

I visited the United States last month. Along with members of Amnesty International, I visited Troy Anthony Davis, who is on death row in the state of Georgia. I could probably talk for 90 minutes about the experience of being on death row, which is a truly awful phenomenon. Anybody who thinks that death penalties are justifiable or in some way workable should experience it for themselves. The consulate in Atlanta was exceptionally helpful in its dealings with us. It was able to facilitate our visit to Mr. Davis on death row. Although this is not a case that involves a British national, it is one that should cause us concern.

There are substantial issues involving the apparent innocence of Troy Davis. Seven of the nine witnesses who gave evidence against him have subsequently revised or recanted that evidence, which brings me back to my earlier point about the fallibility of criminal justice systems. Had Troy Davis been prepared to roll over and let the system take its course, he would have been killed by now. He told me how, one day, he came within two hours of his execution. At one stage, he was taken into the room and made to stand no more than 2 feet away from the gurney to which he would, later that day, be strapped for the lethal injection to be administered.

Such an experience is a very chilling illustration of just why it is wrong to use the death penalty, and why it is right for our Government to speak against it wherever they see it. We should continue to promote the view that the British Government and the British people do not want to be associated with such a barbaric practice.

9.55 am

Stephen Pound (Ealing, North) (Lab): May I add to the comments made by the hon. Member for Orkney and Shetland (Mr. Carmichael) and say what a pleasure it is, Mr. Benton, to serve under your wise leadership today?

I congratulate the hon. Member for Orkney and Shetland on bringing such an extraordinary combination of skills, abilities and personal qualities to this debate and to his parliamentary work. He is a lawyer, and a man of forensic intelligence and great humanity. The work that he undertook in the case of Samantha Orobator at very short notice might have saved—did save, in my opinion—the young woman's life. If any of us can look back on our parliamentary careers and say as much as that, we will have reason to be proud.

I should also like to pay tribute to my hon. Friend the Minister, who has visited one of my constituents in Bangkok. As a Foreign Office Minister, he has been assiduous in visiting, assisting and advising, and prompting action throughout the world.

The hon. Member for Orkney and Shetland mentioned something that goes to the very heart of our debate: if a miscarriage of justice occurs, a person can be released from prison—they may be broken, but they are free—but if a person is executed, there is no release or redemption. He mentioned the Guildford Four and the Birmingham Six. It is perhaps appropriate to remember that one of the Birmingham Six, Giuseppe Conlon, died in prison. He was not executed, but because he died in prison, there was no release for him. No one can say whether or not he would otherwise have died at that point, but I think that the facts suggest one interpretation.

The case of Timothy Evans of Rillington place was mentioned by my hon. Friend the Member for North-West Leicestershire (David Taylor), who rightly commemorated the life and work of Ludovic Kennedy, who was a man

[Stephen Pound]

of extraordinary qualities. I found Kennedy slightly difficult to come to terms with because his passion for shooting animals appeared to be somewhat at odds with the humanity that he expressed, but we must allow Liberals their foibles. Timothy Evans was hanged for murders that were certainly committed by John Reginald Christie. Those of us who were brought up in west London remember the pub, the Kensington Park Hotel, which was at the end of the road that I lived on. I recall the dark shadow that that case cast over us in west London.

When we consider issues such as the death penalty, we come at them from various directions. There may be a consensus in most of Europe, outside Belarus, that the death penalty is a mediaeval barbarism, anti-Christian and something that goes against the principle of redemption, and that it is something that belongs to a dim and distant past and that should rightly be consigned to that bloody past. However, that is the ideological and sometimes theological argument; there is also a criminological argument. We all know that the murder statistics in executing Texas are higher than those in non-executing New York, and there is very little evidence to suggest that the death penalty is a deterrent. Many people have tried to use the deterrent effect as justification, but Amnesty International has completely refuted that theory.

In the summer of 1959, when I was 11 years old, a man called Gunter Podola was arrested very close to where my parents and I lived. He was one of the many people swept up in the detritus of war. He had been a member of the Hitler youth, and his father had been a barber who had fought and died with the German army on the Russian front. He emigrated to Canada, where he became a petty criminal and was promptly deported from Montreal to what was then West Germany. Those who say that border controls are lax today should note that Podola was then able to fly from Düsseldorf to London Heathrow with no problem at all. He went to west Kensington and started a career of petty crime and blackmail. He was arrested in Onslow square in west London, having shot Detective Sergeant Purdy. When we talk about the death penalty, we should never forget the victims, but I do not think that putting someone to death benefits the victim in any way, and it certainly does not bring them back to life.

Podola's case was heard over a few months during the late summer and early autumn of 1959. As an 11-year-old boy living in London at that time, I knew that the clock was ticking. Even though Podola had not appealed against his sentence, the Home Secretary called the case in, set up a medical tribunal to examine Gunter Podola's state of mind, and decided that he was fit to be hanged by the neck until he was dead. Although Mr. Podola claimed that someone else was his double and was acting in this strange way, the Home Secretary decided that he should hang, and hanged he was at Wandsworth prison. What I recall most vividly was the utterly dehumanising feeling that so many of my colleagues experienced.

Let us be honest: some people find a sort of vicarious thrill in the death penalty. Some people are death-penalty junkies and actually find something exciting about it. When I went to Mountjoy prison, I was one of the last people to visit what was called the "hang house", where not only Kevin Barry but 27 other people were put to death. I found it extraordinary that there were death tourists. There are people who have a fascination with executions, but I think that that says more about their own sad, sick and sorry souls than it does about the issue and principle that we are discussing.

Podola was a man whom I had never met and with whom I had nothing in common. He was a petty thief, a drifter and what we in those days called a "displaced person". However, his being put to death went against everything that I was brought up to believe in—that all people are capable of, and carry within them the seed, germ and hope of redemption. How could the execution possibly be justified? Seeing that case made me realise how utterly dehumanising putting a citizen to death is. A state or society that kills its own is somehow less humane, less decent and—I make no apologies for saying this—less Christian. I am sorry if that offends some people, but that is an issue, and such issues mean a lot to me.

Why are we having this debate? If it is now accepted that the death penalty is of the past, should we not simply say that we are pleased with the actions that the Government and all parties in the House are taking? We can congratulate the Minister on the work that he has undertaken personally—I repeat that the Minister has been extraordinarily assiduous in this matter—but the death penalty has not gone away. The death penalty, that dark shadow, is creeping up on us from other parts of the world. Virtually all countries of the English-speaking Caribbean have refused to agree to a moratorium on the death penalty. We know the situation in St. Kitts and Nevis and in Trinidad. Those people are close to us in many ways. The death penalty—judicial murder, execution; call it what you will—has not gone away; it is here. Amnesty International has produced figures stating that 2,390 people were put to death in 25 countries around the world. That was over how many decades? None; it was over one year. In 2008, more than 2,000 people were put to death. We also know that children are put to death.

As part of a country that I still hope can call itself civilised—I think that we are a civilised country as part of a civilised European Community—can we be silent while children are put to death? In Iran, children are swung off the end of cranes with wire around their necks. How utterly obscene is that? I do not say that there is a good or a bad death. Some poets may say that there is such a thing as a good death, but what is as vicious, vile and dehumanising as those deaths of juveniles? And what is the crime? In some cases, someone is killed in public for being gay. To paraphrase the former Prime Minister, that is a scar on the earth, not just on one region.

We have come a long way. It is salutary to remember that when the London underground system was opened in the 1860s, the first ever excursion train on the old Metropolitan line took passengers to a public execution—tickets were sold. That was in the 1860s, which is not that long ago. People queued up and took the family, including the children, for a day out to see a human being—one of God's creations; a living, breathing person—hanged. Therefore, we cannot be complacent about this

in any way. We cannot stand back and say that civilisation has marched on, because the problem still exists throughout the world.

My hon. Friend the Member for North-West Leicestershire mentioned the Hakamada case in Japan, which has thrown up all sorts of horrors. There is something called daiyo kangoku, which is a system of substitute prisons. Someone is arrested in Japan and they are held in a non-prison prison, where they have to sit in the same position for a long period of time and are subject to sleep deprivation.

In many ways, Japan is an admirable country. The hon. Member for Orkney and Shetland quite rightly said that it is conscious of its public image. However, how can it possibly allow that image to be projected around the world? Do the Japanese people want to be seen as a country that has shadow prisons, sleep deprivation and psychological torture of that nature? I cannot believe that to be the case. Therefore, an occasion such as this, which provides the opportunity to ventilate such cases, is welcome. Again, I congratulate the hon. Gentleman not only on securing the debate, but on his extraordinary energy in travelling the world and working in an area that some of his constituents—and some of mine—will be completely unable to understand as a subject of such passion and importance. What he has done might not make him massively popular in his constituency, but the fact that he has chosen to do it is much to his credit. I offer him my admiration and respect.

If we are faced with a world in which the death penalty is coming back, why are people talking about it? I would say that putting a human being to death is the ultimate admission of failure in society, in the judiciary and in the whole jurisprudential system. If society's problems cannot be solved through civilised methods, the solution is to kill the problem. However, that is not the solution and does not solve the problem. It simply sets a standard of retribution. We all know the oft-quoted "eye for an eye, tooth for a tooth" from the Bible. However, if we read on, it ends up with a world where no one has any eyes or any teeth. The idea of God-ordained judicial retribution was nonsense then, and is nonsense now. It must be exposed widely throughout the world.

Without question, we live in a world of increased violence. That is partly because there are more of us, we live closer together and we are more acquisitive. There are many reasons for that increase in violence, and many ways of addressing it. One idea that we should immediately park and decide not to progress with is the suggestion that killing fellow humans somehow stops other crimes from being committed and somehow makes society a better place. It does not; it makes for a sadder, sicker society.

The work of Amnesty International is exemplary. I am a proud member of Amnesty International, although I am not sure whether I have to declare that—it is certainly not a pecuniary interest because I pay it money and it has never paid me anything. I hope that this debate will establish a few things: first, that judicial murder does take place, is taking place and could take place in countries that we thought had turned their backs on it; and secondly, that Amnesty International has by far the best track record of any organisation working in this area, and nobody challenges the evidence that it produces. Many countries are so terrified by the appearance of some innocent young lawyer or activist from Amnesty International that they will turn them away at the airport, call the riot police or [redacted] people from prison to prison rather than have that person turn up, let alone the hon. Member for Orkney and Shetland—they probably close down the entire airport system when he arrives. *[Interruption.]* Well, I know that they have tried it. Amnesty's work is important, and it must continue to be publicised and ventilated. The case of Samantha Orobator, to which I referred earlier—it occurred only at the beginning of this summer—is another example of action being taken quickly and a life being saved.

The hon. Member for Orkney and Shetland has done the House a great service. At the risk of sounding too florid, I think that he has done humanity a great service, not just in his work day by day, but by putting down a marker today to say that whatever we in this country and on the continent of Europe are—for all our faults, warts and all—we are still a people who do not slaughter our own judicially. We do not take someone in the cold morning of Wandsworth prison and put them to death while crowds gather outside. We are not a country that allows the sick, vicarious thrill of judicial murder to permeate our social life—let us put that down as a marker today. Let us resolve collectively, as this Government have done and, I hope, all parties in the House will continue to do, that we in this country will continue to make the strongest possible case against this appalling crime that does not solve crimes, but creates further ones—this inhumanity that is the death sentence.

10.11 am

Tony Baldry (Banbury) (Con): I endorse everything that the previous two hon. Members have said, and I will not seek to repeat it, as they said it extremely well. I wanted to take part in this debate for two reasons. First, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) and my hon. Friend the Member for Aylesbury (Mr. Lidington) recently asked me to take on the task of chairing the Conservative Party Human Rights Commission. Also, I am and have been for some time one of the vice-chairs of the all-party group on China.

China alone is responsible for almost three quarters of the world's executions. Amnesty International's last report indicated that China carried out nearly 2,000 executions in 2008, although the figure is believed to be much higher, as statistics on death sentences and executions remain state secrets.

I turn the House's attention to process. I have three points to make about China that are well echoed in a recently published book by Martin Jacques entitled "When China Rules the World". The first point is that we are all going to have to get used to dealing with a country and a power that is growing exponentially. Martin Jacques makes it clear in his book:

"According to projections by Goldman Sachs…the three largest economies in the world by 2050 will be China, followed by a closely matched America and India some way behind, and then Brazil, Mexico, Russia and Indonesia. Only two European countries feature in the top ten, namely the UK and Germany in ninth and tenth place respectively. Of the present G7, only four appear in the top ten."

In other words, according to present projections, by 2050, China as a global power will be well ahead of the United States, India, Brazil, Mexico and indeed much of the European Union. That says to me that we are

[Tony Baldry]

going to have to recognise that we must manage many issues at a much more European level. We cannot presume that each member state within the European Union can take them on its own.

For a long time, the UK Government have been managing a UK-China human rights dialogue. I commend Ministers and officials for their work on that, but as any Minister who has taken part in it will acknowledge, it has taken on a slightly ritualistic dimension. Ministers give our line to take and then the Chinese give their line to take, and one wonders to what extent the Chinese officials are actually entering into the dialogue.

That brings me to my second point. Although China is theoretically a politically communist state, it is actually based on Confucian principles. Confucianism is essentially a set of precepts of what is right and wrong and prescriptions for appropriate forms of behaviour. The Chinese have a strong sense of what they think is right and wrong, which is reflected in their criminal justice system. It is not just about engaging China at a political level; it is about engaging Chinese society on what it believes to be right and wrong.

The third point about China that Martin Jacques makes—I think that we could all make it—is that China sees human rights very much in terms of the collective rather than the individual. What is important is for the state to ensure that people do not starve and have sufficient food and employment. Therefore, the rights of an individual are subordinate to the rights of the community. I certainly find—I do not know whether other hon. Members do—that when one engages in dialogue with the Chinese ambassador in London or with Chinese politicians, one almost has to start by finding a political vocabulary with which to examine such concepts, because their understanding of human rights is different from ours. One must find a common dialogue.

China practises judicial execution on far more people than any other country. If we are going to tackle the issue—I think that we would all endorse what the Minister said recently on world day against the death penalty:

"we continue to call for an end to the use of capital punishment around the world"—

we will have to tackle it with China. However, we will also have to recognise that China is beginning to feel itself to be much more influential in the world, so we will have to act at the European Union level.

That creates an issue for the House. All too often, when things happen at a European level, it effectively means that they are taken over by Ministers, whether in the Council of Ministers or acting collectively, by the Commission or by our colleagues in the European Parliament. The danger with that is that we as Members of the UK Parliament, if we are not careful, will be marginalised on human rights issues, whether they relate to capital punishment or something else. We will have to start working out how we can work much more constructively with colleagues in other national Assemblies and Parliaments in Europe to bring collective pressure on countries whose human rights records are not all that they might be, from Colombia to Zimbabwe to North Korea or wherever. It will require collective action.

The complexities of negotiating, influencing and hoping to change policy in China demonstrate the need for us to work more constructively together. I suspect that if all of us try to do it individually, we will find it difficult to bring about real and lasting change on this particular issue in China. To be candid, if one cannot bring about change in China, which is far and away the largest perpetrator of judicial executions, it will be much more difficult to bring about change elsewhere. If we can start to effect change in China, it will hopefully be possible to effect change elsewhere. I hope that the Foreign Office and Members of Parliament can give some thought to how more can be done at a European level while still actively engaging Members of this House.

Mr. Joe Benton (in the Chair): Before I call the next speaker, I ask hon. Members to bear in mind that the winding-up speeches will start at 10.30 am. A couple of hon. Members wish to speak.

10.20 am

Mr. Gregory Campbell (East Londonderry) (DUP): It is a privilege to serve under your chairmanship, Mr. Benton. I will keep my remarks brief. I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this debate.

I will begin with the areas on which I presume there is unanimity in the House and further afield. We have heard of appalling instances of juveniles being put to death in various nation states. There have been various early-day motions and campaigns on that issue. I pay tribute to the work of the hon. Gentleman on that issue. There are appalling statistics on the number of juveniles and individuals with learning difficulties who have been subjected to legal systems that result in capital punishment. It is obvious to us in the west that such things should not happen. I am totally and utterly in agreement with that aspect of the global abolition argument. That is paramount.

Setting that aside, there comes a time when we have to say what we think. I am not convinced by the case for total and utter abolition of the death penalty in all cases and for all people, however ruthless and repeated their crimes. Over the years, I have followed with interest those who argue that, even if a small number of people were spared who were guilty of vicious crimes such as repeated murder, total abolition would be worth it because many others would be spared who did not deserve such a fate.

The problem with that argument is that not much research has been done on the small number of serial killers who treat the prospect of redemption with utter contempt. There is still the prospect that one or two killers internationally, after being detained in jail, could commit another crime against an innocent person on release. Unfortunately, not as much research has been done to protect innocent people from the brutality and viciousness of the small number of serial killers.

I understand the point made by the hon. Member for Ealing, North (Stephen Pound) on the need for a society to be able to call itself civilised in the way in which it treats those who are guilty of serious crimes. I believe that a society that calls itself civilised must take account of the infinitesimal number of people who, despite all that the legal system offers in terms of appeal, the

chance to reform their ways and to make amends for their actions, decline or defy our best endeavours. There must be some form of radical response by a civilised society to protect the innocent.

Mr. Carmichael: Serial killers generally suffer from a psychiatric disorder. In my experience, such people are never allowed back on to the streets, even after they have gone through the criminal justice system. Surely even such people should be subject to the same protection as everybody else. That relates to my earlier point about mistakes being made.

Mr. Campbell: I understand the hon. Gentleman's point of view on the mental capacity of a number of serial killers. However, if a person with such a criminal record is not released, but escapes from detention and commits another violent crime that results in the death of another innocent person, is that not the result of the lenient treatment of a serial offender?

The more I listen to the debate, the less convinced I am of the case for a total and utter abolition in all conceivable circumstances. I am not convinced that it is the correct way to ensure that society is a safer place. I emphasise the caveats that I have given about juveniles and so forth. In nation states such as Japan and the United States, there have been many indefensible cases of people being on death row and ultimately paying the last possible penalty. With those caveats, I am simply not convinced of the case for the total abolition of the death penalty in all circumstances.

10.27 am

Greg Mulholland (Leeds, North-West) (LD): I will keep to the time that you have set, Mr. Benton. I add my appreciation for the work and leadership of my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) on this issue.

Within 18 months of being elected to this place, I dealt with the family of a constituent who faced the death penalty in Pakistan. I pay tribute to colleagues from all parties who have been vocal on this issue. However, only a few of us have dealt with a constituency case of this nature. I have always been a vocal opponent of the death penalty, but it is something else to sit with the family of somebody who faces the death penalty and to look into the eyes of people who face the prospect of a state deciding to use its might, authority and legal system to kill in cold blood. Mirza Tahir Hussain was a dual citizen, so Pakistan would have been killing one of its citizens as well as ours. It was a strange case because he had not been in this country for 18 years by the time he was finally released.

I again pay tribute to Amnesty International, Reprieve and Fair Trials Abroad for their support in that case. I also thank the Prince of Wales for his support and the Foreign and Commonwealth Office for the work that it did behind the scenes. However long or short my political career, I will always remember the moment when I met my new constituent, Mirza Tahir Hussain, for the first time at Heathrow airport after his release, when justice was done. He was not guilty, yet he languished for 18 years with the death penalty hanging over his head.

I could not possibly mention that case without mentioning the heroic contribution of his brother, Amjad Hussain. Since then, he has not disappeared into the shadows, but taken up the case of the global moratorium. He campaigns on Muslim nations in particular. My question for the Minister is therefore whether he can update us on discussions with Pakistan and other Muslim nations. There has been a change of Government in Pakistan and there is an opportunity to move this issue forward.

Finally, I must disagree profoundly with the hon. Member for East Londonderry (Mr. Campbell). I have seen the effect of the death penalty on an individual and a family. It brutalises society and dehumanises the justice system. In the case of Northern Ireland, even if we had had the death penalty—understandable as it may be for the people who have suffered the horrific crimes carried out there to want it—would it really have taken the Good Friday peace process forward, which I think we all agree has been a good thing?

I agree with the hon. Gentleman when he says that we must have real justice and clear life without parole for the worst offenders—there is no question about that and we must make that clear—but how many innocent people would have to die if we had a so-called perfect system where we could kill the worst offenders? It just does not make sense. It is simply wrong for any state to kill its citizens in cold blood in the name of justice. I hope that Amnesty's continued campaign is a great success.

10.30 am

Jo Swinson (East Dunbartonshire) (LD): It is a pleasure to serve under your chairmanship, Mr. Benton. I congratulate my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) on getting the debate on to the agenda and on the way in which he opened it. He is hugely knowledgeable on the subject and has a strong record of campaigning on the issue around the world. I know that partly because he is my colleague and we have discussed these issues, and partly because, like him, I am a member of Amnesty International. When Amnesty's magazine comes through the letter box every few months, although I often find it difficult to read because of the horrors within, from time to time, there is a piece about his work on these important issues.

I reiterate and add my voice to my hon. Friend's congratulation of the Foreign and Commonwealth Office and the Government on their work on the issue. As he mentioned, it is rare for most of us to be in agreement in this House, but I think this is one of those matters on which the vast majority of hon. Members come to the same conclusion. It is good to know that our Government take forward these issues on the international stage.

This is a timely debate because it comes so soon after the world day against the death penalty. Sadly, it is also timely because, last Tuesday, we had the news about the three Tibetans executed in Lhasa. News of such executions punctuate our news media regularly. In some ways, it can be said that we are making progress on the international campaign to achieve global abolition. Although there are worrying trends in some states, in 2008, 106 countries voted in favour of a worldwide moratorium on executions and 46 voted against in the UN General Assembly. That was clearly progress on what happened in 2007, when 104 voted in favour, with 54 against. We should take some comfort and inspiration from that.

[Jo Swinson]

Although global abolition must remain our ultimate goal, in the meantime, we should do all we can to seek a reduction in the number of executions that happen in countries around the world. That is partly why the work of the many organisations campaigning against the death penalty is so important, particularly those that take up cases to stop individual executions. Even reducing the number of executions by one in an individual country has a huge value, and I pay tribute to the work that is done. My hon. Friend the Member for Leeds, North-West (Greg Mulholland) set out well the impact that such work can have on an individual basis. I congratulate him, his constituent, his constituent's family and all who were involved in that successful case, which happily ultimately had a good outcome.

I disagree with the argument of the hon. Member for East Londonderry (Mr. Campbell) that the death penalty is an appropriate action for the state in some cases. I have found no evidence in the research that the death penalty acts as a deterrent and makes us safer. In fact, countries that have the death penalty, such as the United States, have incredibly high homicide rates and a correlation can often be seen in relation to that. In any case, the worst serial killers and murderers do not commit such crimes rationally and often do not think through the consequences.

I accept that there are some serial killers and horrific cases in relation to which there is very little or no possibility of redemption, but I put it to the hon. Gentleman that it does not follow that the only solution is the death penalty. True lifetime imprisonment could also keep society safe and, indeed, in various cases in the UK—for example, that of Ian Brady—that was ultimately the decision made.

Mr. Gregory Campbell: I have a simple question. If we have lifetime imprisonment but a person who is guilty of committing murder breaks out and commits it again, what then?

Jo Swinson: We have incredibly high security in the places in which these people are held, and that is not something that happens. A tiny minority of cases would fall under the category that the hon. Gentleman is outlining but, given the extreme security we have, we are effectively talking hypothetically about that scenario.

Mark Durkan (Foyle) (SDLP): The hon. Member for East Londonderry (Mr. Campbell) has described a scenario, but he has not given us any actual examples of notorious serial killers who have either been released and killed other people, or escaped. He is giving us Hollywood fantasy scripts; he has given us no concrete examples.

Jo Swinson: I concur with the hon. Gentleman. I am certainly confident that, in those tiny minority of cases, the state has secure institutions available to ensure that the public are kept safe, without resorting to state-sponsored murder or compromising our humanity in that way.

Some countries carry out a huge number of executions, and 93 per cent. of all known executions last year took place in just five countries: USA, China, Iran, Saudi Arabia and Pakistan. In an eloquent contribution, the hon. Member for Banbury (Tony Baldry) mentioned the situation in China. I agree with him on the importance of working collectively through organisations such as the EU, so that we can have greater influence on the issue. Where there is agreement across the EU, by speaking together we can often have a stronger and louder voice.

As I mentioned, the case of the Tibetans who were executed is of great concern. I welcome the visit of the Minister of State, Foreign and Commonwealth Office, the hon. Member for Bury, South (Mr. Lewis), to Tibet last month. I hope that he will have spoken to Chinese officials about those Tibetans and others who have been executed—indeed, some people are still facing execution. My hon. Friend the Member for Orkney and Shetland raised the case of Mr. Akmal Shaikh. I echo his concerns and I hope that the Government are doing absolutely everything they can to raise the issue at the highest levels within China.

Despite the place of the US on the global stage and the fact that it argues for human rights in many circumstances, those efforts are entirely undermined by having the death penalty. Some 52 people have been executed in the US since this time last year. I would like to raise the horrific recent case of Romell Broom, who is a man from Ohio who spent two hours waiting to die as technicians looked for a suitable vein through which to administer a lethal injection. He helped them to try to find the vein and in the end the execution could not happen and he was taken away. We need only consider such cases to find a clear reason why the death penalty should be abolished in its entirety.

Of course, there is also always the prospect of executing an innocent person. In America, there was a recent report about the case of Cameron Tod Willingham, who was put to death in 2004 for apparently murdering his three daughters in a house fire. At the time, it was said to be arson, but a recent report published in August by nine investigators has shown that the prosecution of the case was fatally flawed. We can see that such events and innocent cases still happen in all such countries. As mentioned, if the US stopped the death penalty, it would act as a beacon for other countries to stop hiding behind the excuse that because the US does it, they can too.

The hon. Member for Ealing, North (Stephen Pound) made a powerful speech about Iranian executions for homosexuality. Since 1979, more than 4,000 people were killed just for being gay. Although we have generally had a fairly consensual debate, I shall introduce a small note of discord by saying to the Minister that the UK Government need to consider again their policy of deporting gay Iranians despite the fact that they risk imprisonment and potential execution at home. There may not be a good or bad death, but in Iran the methods of execution are particularly harsh and death by stoning still takes place.

In summary, there are myriad reasons why the death penalty is wrong: there is the moral case, the human rights case and the absolutely unanswerable case that mistakes will be made. People are human and mistakes happen in our criminal justice system. Therefore, the state will murder innocent people if there is a death penalty.

The UK Government must be a passionate advocate of ending the death penalty around the world. I appreciate that in many ways we are preaching to the converted

because the Minister is in agreement and the Foreign and Commonwealth Office has a strong record on this issue. However, I hope that today's excellent debate will act as further encouragement to the Minister by reinforcing that the FCO's work on raising this issue with Governments around the world is important.

10.40 am

Mr. David Lidington (Aylesbury) (Con): I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing the debate and on the fluent and learned way in which he introduced the subject. I was also impressed by the passion with which the hon. Member for Ealing, North (Stephen Pound) spoke.

I had better declare my credentials. Like my hon. Friend the Member for Banbury (Tony Baldry), I have voted for the abolition of capital punishment in this country. I have also, like him, argued that case in front of Conservative party meetings and even Conservative party selection committees when that was not the most fashionable or popular cause to adopt. However, I was glad that the hon. Member for East Londonderry (Mr. Campbell) spoke, because it is important when we debate capital punishment that we do not give the impression of having got together into a political class that is dismissive of what is still a majority view among the British public. The most recent opinion research that I have seen shows that a majority of the public—fewer than 50 per cent., but still a majority—favour the restoration of the death penalty in this country. That should put us on our guard when we debate how to engage with other sovereign nations that have decided, for reasons of their own, to retain the death penalty.

As my hon. Friend the Member for Banbury said when he talked about China, there is little to be gained from the ceremonial recitation of opposing lines if no real discussion, engagement or persuasion takes place. I suggest that the Government should focus on three specific ways of seeking to influence countries that retain the death penalty. The first way is to persuade them to reduce the range of offences that are subject to the capital penalty. As others have said, it is obscene that countries such as Iran still have the death penalty for apostasy and for consensual sexual intercourse between adults.

Secondly, I hope that the Government will focus strongly on securing due process where it is absent. It is plainly wrong for capital trials to be held when the accused person is unable to understand the charges against them, or for such trials to be held in secret or without independent observers. Hon. Members have discussed the execution of juveniles in Iran and elsewhere. One might talk about the barbarism of methods of execution such as stoning that are still used in some countries. An important theme to pursue in discussions with China is that it should live up to its declared policy of having all capital cases reviewed by the Supreme Court, but it is far from clear whether that was done in the case that the hon. Member for East Dunbartonshire (Jo Swinson) mentioned that involved the three Tibetans.

Thirdly, I hope that the Government will focus on the argument that Governments who retain the death penalty should have regard to mitigating circumstances, particularly to the concept of mental illness being a mitigating factor. The hon. Member for Orkney and Shetland talked about the Akmal Shaikh case, which my right hon. Friend the Leader of the Opposition raised directly with State Councillor Dai Bingguo at their recent meeting. Let me also mention Japan. As recently as 2008, the Japanese executed a man who had been receiving psychiatric treatment in custody for more than a decade. I hope that the Government will pursue those themes both bilaterally and through international forums such as the United Nations Human Rights Council. I look forward to the Minister's response.

10.45 am

The Minister for Europe (Chris Bryant): I am grateful to be serving under your chairmanship, Mr. Benton.

It is ironic that we are having this debate in Westminster Hall, which was for many centuries the place where state trials were held. I believe that the first execution ordered from just outside this Chamber was in 1295, when Thomas de Turberville was sent off to be executed, oddly for spying against the French—I do not know why we were concerned about that. Ten years later, William Wallace was executed, as I am sure our Scottish colleagues would be more than keen to point out. Charles I was executed following his trial in Westminster Hall, and after that, Oliver Cromwell's head stood on a pike outside this building for some 35 years. As I am sure my hon. Friend the Member for Ealing, North (Stephen Pound) would remind us, Thomas More's trial took place just outside this Chamber, as did Cardinal Fisher's and Edmund Campion's. All of them were executed, as were many others.

Stephen Pound: Saint Thomas More.

Chris Bryant: Sir Thomas More. I am still an Anglican, even though the blandishments of the Bishop of Rome are tempting to others who do not want women bishops. I, however, am very happy to have women bishops.

I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this important debate. Given the history of Westminster Hall, perhaps we should have an annual debate in the hall itself on the death penalty around the world. I intend to write to the Speaker and to the Leader of the House to suggest that we should do so on the day that is set aside by many organisations such as Amnesty International—of which, I, too, am a member—so that we can showcase our work on this issue. The Government are passionately against the death penalty around the world. Indeed, I think that view is shared by most political parties, if not all.

My arguments against the death penalty are very simple. First, all too often, sentences are wrong. We have heard about such cases today, and tribute has been paid to Ludovic Kennedy. We have heard about people in British cases who were sentenced to death and executed, whom we now know could not possibly have committed the crimes for which they were sentenced. That has happened even in this country, which has a robust judicial system, but the numbers are much higher in countries in which many people do not have access to a fair trial and due process.

Secondly, the death penalty undervalues life. I am a Christian. I know that not all Members of the House are, but I believe that God gave us life so that we should respect it, not so that we should take it away. There is

[Chris Bryant]

absolutely no evidence that the death penalty has a deterrent effect. As several hon. Members have already pointed out, states in the United States of America that have the death penalty often have a higher murder rate than states that do not. The same is often true of countries around the world. The Bible is quite clear. "Vengeance is mine" does not mean mine as a Minister, the state or humanity; it means that vengeance is God's, and we should not use the justice system to perpetrate vengeance.

I also believe that human rights are a seamless garment. I am sorry to keep using all this biblical language. We cannot say that we will stand up for women's rights in Iran, but that we will not stand against the death penalty. We cannot say that it is wrong for people in Britain to be murdered for their sexuality, but that it is not wrong for people in Iran to be executed for their sexuality. It is particularly poignant that in the past couple of weeks, a man—Ian Baynham—was murdered about 300 yards up the road in Trafalgar square for being gay and that only last weekend a police community support officer was attacked in Liverpool because of his sexuality.

Both I and this Government believe that human rights are a seamless garment, and we will always take up these issues, wherever they apply, in every country in the world. That is a passionate campaign for us politically, because 2,390 people were executed in 25 countries in 2008—a shocking figure, even if it was in only 25 countries—and 8,864 people were sentenced to death in 52 states. As we have heard today in several hon. Members' passionate speeches, the whole process of being on death row and waiting for a sentence that might or might not be executed and of people being taken to the moment of execution and then taken back is barbaric.

When women are stoned to death in places in Iran, the pit is dug deep enough that they cannot raise their arms to protect themselves so their deaths will be swifter, but the pit is dug relatively shallow for men so that they will try to protect themselves and the execution will take longer. As my hon. Friend the Member for Ealing, North said, in Iran people can be strung up to the back of a lorry that suddenly moves away, and that takes place in main squares with everyone watching, cheering and jeering. One could talk about the methods of execution used in the United States of America, as sometimes it is impossible to find a suitable vein and the execution cannot proceed. Whatever type of execution one looks at, the whole process of being on death row is inhumane and every bit as wrong as the death penalty itself.

We fight politically on that issue around the world, but we will also take up representation wherever we possibly can, case by case, and I pay tribute to the consular staff who work in our embassies around the world, because they are absolutely unstinting in that work. Of course, we must always be intelligent, clever, sage and wise in the precise way that we deploy our diplomatic activity on behalf of an individual, as steaming in with the British diplomatic cavalry will not necessarily achieve our objectives in particular cases. Those consular staff work hard and deal with many complex cases, from child abduction to British people being sentenced to death, so I pay tribute to them.

In many parts of the world, simply ensuring that there is a decent prison in which people can serve their sentences is another part of the diplomatic effort that we have to engage in. I was in Peru three weeks ago but unfortunately was unable to visit Callao prison, which I had wanted to do because of the horrific experiences many British people have had there. My hon. Friend the Member for Ealing, North referred to my visit to Thailand and Laos earlier this year to see Samantha Orobator. I am absolutely delighted that we were able to bring her back to serve her sentence in a British prison. I am passionately concerned about another British prisoner in Laos—John Watson—and desperate to ensure that he, too, is able to serve his sentence in this country, because the conditions in Thai and Laos prisons do not allow for a justice that we would want to be proud of.

We use three main vehicles, the first of which is the European Union. As the hon. Member for Banbury (Tony Baldry) said, it is absolutely vital that we deploy our EU membership to greater effect. I would argue that that is one of the reasons why we need the Lisbon treaty. I hate to enter into difficult territory today, because that is an argument not with the hon. Gentleman but with his party leader, but I will say that we need the EU to be far more effective on a diplomatic and political level around the world. By bringing the roles of the higher representatives together into one figure who would report to the Council and Commission, we could be more effective in that area, particularly in relation to Belarus. Our work to try to persuade Belarus to move towards a moratorium and abandon the death penalty can be done most effectively both bilaterally and through the EU, and that is what we will strive to do.

The second vehicle is the UN. I was delighted that the 2007 resolution was passed and that the 2008 resolution was passed with a bigger majority and included a call for a moratorium. To those who have referred to the US, the matter is still a stain on the American reputation on human rights around the world. I wholly agree with Bill Richardson, the Governor of New Mexico, who said that there is absolutely no reason why the US should be behind the rest of the world on that, as he has abolished the death penalty in his state, and we will continue to make that point. Those in Washington are in absolutely no doubt about the British position on that, not least because the hon. Member for Orkney and Shetland went there to tell them so. I was delighted that our embassy was able to facilitate his meetings. He has paid tribute to the support he received from many embassies around the world, and I pay tribute to the sustained campaign that he has run.

In response to the hon. Member for Aylesbury (Mr. Lidington)—I was about to call him my hon. Friend, because I think of him as an honourable, friendly person, although he sits on the opposite side of the Chamber. We have the Buckinghamshire mafia here today.

Mr. Lidington: Oxfordshire.

Chris Bryant: Oh, I am sorry—Thames valley.

The hon. Gentleman is absolutely right that we need to focus our efforts in the three ways to which he referred. I do not differ with him to any degree in that regard. We also must focus on specific countries, and some of them have been mentioned, such as China,

Japan, the US and Belarus. There has been scant mention of Caribbean countries, but obviously, we have a particular relationship with the Caribbean, where there are both overseas territories and Commonwealth countries. It is still a problem for us that there are countries that retain the death penalty even though they may not use it. We would prefer them to move to a situation where there was no death penalty.

The first person to hold the post that I now hold was Richard Brinsley Sheridan, who was a playwright among other things, but also Under-Secretary at the Foreign Office. He said:

"The surest way to fail is not to determine to succeed."

We in the Foreign Office are absolutely determined to succeed in the campaign to bring an end to the death penalty everywhere in the world.

I will allude as quickly as I can to the specific comments that have been made. We have raised the case of Akmal Shaikh at the highest level. On 14 October a letter from the Prime Minister was presented to the Chinese authorities. The Minister of State, Ministry of Defence, my hon. Friend the Member for Harlow (Bill Rammell), the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Bury, South (Mr. Lewis) and Peter Mandelson have all raised that issue directly. In particular, we have raised the issue of Akmal Shaikh's mental health. In fact, the Prime Minister raised the issue again with the Chinese authorities on 19 October. There was an EU démarche last year, and we hope that there will be another one in the very near future.

On the suggestion of an amicus curiae brief, strong legal advice has confirmed that there is no such provision in Chinese law, despite the fact that the Chinese have used it in other countries. However, the hon. Member for Orkney and Shetland is absolutely right that we need to find other means by which we could make effective representations directly to the People's Supreme Court in China.

With regard to Naheem Hussain and Rehan Zaman, I am more than happy to have a meeting and hope that we will be able to put that together as soon as possible. The hon. Gentleman referred to the delay at the beginning of that case. There was a complexity that related to how we used to work in those days, in August 2004. At first we did not believe that they wanted us to make representations on their behalf, and we certainly did not have clear instructions from them in the first meeting. Then their lawyer said that they did not want us to act on their behalf. We have changed the way we work, so we would now almost certainly take that as the final statement. We will certainly raise the allegations of torture, because we are always opposed to torture in all cases—full stop.

Several hon. Members mentioned the execution of juveniles in Iran and Saudi Arabia, and there have been six such executions this year. Iran is a signatory to the UN convention on the rights of the child, so there is absolutely no reason why it should not follow its own treaty obligations. There have been 45 juvenile executions in Saudi Arabia since 1990, and we will work as hard as we can to ensure that there are no more.

I have already referred to Belarus in general, and we will continue to call for a moratorium on the death penalty. Spain does not have representation in Belarus, so during the Spanish presidency of the EU, we will take on that responsibility and ensure that it is one of our top four priorities in the first six months of next year. That relates to the two cases the hon. Gentleman raised—those of Andrei Zhuk and Vasily Yuzepchuk.

Several hon. Members mentioned Japan, and exactly the same issues apply. We constantly take up those issues, including the case of Mr. Hakamada. We believe that that is an extraordinary case in which the mental health of that gentleman has never been taken properly into consideration.

I have referred briefly to the issues in the US, which we try to raise regularly. We believe that the treatment of Troy Davis was unusually cruel. We note that 41 people have been executed this year in the US, 18 of them in Texas. I think that it will be difficult for me to win an argument with the politicians in Texas on that point; but none the less, we will continue to keep up the pressure.

The hon. Member for Banbury said that China sometimes sees issues—

Mr. Joe Benton (in the Chair): Order. We must move on to the next debate.

Wareham Railway Station

11 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I am grateful to have secured this debate. The proposed closure of the Wareham station pedestrian level crossing was devastating news for my constituents. The situation is complex, so I shall aim to describe it for the Minister as simply as I possibly can.

Wareham is an attractive small market town in my constituency. The 2001 census figures showed that its population was around 5,600. Sandford to the east, with a population of 2,000, is strongly linked to the town, and obviously the population levels will be higher now.

The town is fortunate in being on the main London to Weymouth line, but, as a consequence, it has a barrier that could split the town in two. The closure would have a disastrous impact on the vitality of the town, the business community, social activities and the whole wider community, so I am pleased to be able to raise the issue directly with the Minister today. There are several players in the decision making that is taking place: Network Rail, the Office of Rail Regulation, Dorset county council, and, I would think, South West Trains, although I have not yet been able to track down its involvement. The people who are affected fall into two categories—my constituents and rail users—which, of course, overlap. Clearly, safety is paramount—I would not argue anything else—but I am not convinced that the full interests of my constituents and public transport users are being taken into account when looking for a solution, which is why I hope that the Minister is in a position to give an overview of the situation.

I believe that the crossing dates back to 1847, since when there has been a road and pedestrian route crossing the railway. There is a footbridge over the railway that reminds me of the old film, "The Railway Children"—it clearly is not compliant with any disability legislation.

The station has two platforms. The London train to Weymouth comes in on the station side, where there is a considerable amount of car parking, which facilitates park-and-train, and taxis are available. Currently, tickets are sold only on this side. Trains to Poole, Bournemouth, Southampton and London depart from the platform to the east. There is access to bus services to Poole and Swanage on that side, but no car parking.

An agreement dated 1 December 1978 was made between the British Railways Board and Dorset county council for the building of a road bridge over the railway. In the lease, clause 3 states that the

"closure and stopping up of the public highway"

over the railway was authorised by the Wareham Bypass Scheme (Side Roads) Order 1973, and that the board was entitled to abolish the road crossing on completion of the bridge, provided that the existing footways were retained. Therefore, the crossing that I am talking about today was retained. It was subject to a lease dated 17 November 1975, which terminated on 24 June 1980. The lease states:

"on this date the Board shall either renew the lease or negotiate with the Council the provision of alternative facilities for pedestrians".

Clause 24 of the lease states:

"the Council shall in the future provide a pedestrian footbridge over the railway but the date on which the footbridge is provided shall be entirely at the discretion of the Council in agreement with the Board".

That raises an interesting point: does the council have a legal obligation to provide a decent footbridge close to the existing pedestrian crossing?

A further agreement between the board and the council was made on 25 March 1988 which, in effect, permitted the use of the original crossing for 25 years. There is a pedestrian sign by the crossing pointing to the town centre half a mile away.

The lease goes on to state that the council shall have an option to enter into a new agreement for a further period of 25 years, with such option to be exercised within three months of the expiry of the agreement. Terms and conditions were to be agreed between the board and the council. A further passage states that any dispute between the board and the council about the agreement shall be referred to and determined by an arbitrator. Given the way things are going, I am beginning to feel that an arbitrator of some description might be needed.

The lease specifically states:

"the Board will permit the general public on foot with perambulators and cycles as may be necessary at all times of day or night to use the new crossing".

The only exceptions refer to the passage of trains and for engineering works. Many residents are saying that there must surely be an established right of way over the railway. However, does a permissive use by agreement create a public right of way? I understand that the consent of the Secretary of State is required, in accordance with section 41 of the Road and Rail Traffic Act 1933. It would be helpful if the Minister could clarify that point for my constituents.

The Parliamentary Under-Secretary of State for Transport (Chris Mole): May I advise the hon. Lady that there was a communication with the Dorset county council chief executive this year, which outlined that the 25-year legal agreement to which she refers with British Railways, as it then was, also led to the extinguishing of all public rights over the crossing in 1980?

Annette Brooke: I thank the Minister for that, because it provides clarity in the ongoing debate among residents.

Clause 11 of the lease is particularly relevant to the current situation. It states:

"if at any time the Board are required as a result of any change in the law or any direction or requirement of the Railway Inspectorate of the Department of Transport to alter or modify the controls or any part of the new crossing the Council shall pay the Board such charges incurred by the Board in complying with such changes in the law direction or requirement".

The county council is thus potentially facing a big bill, and perhaps that is why we find ourselves in this crisis situation today. There has been no clear planning by the council over the past few years, during which time the problems have been identified.

The Wareham road bridge was built over the railway in the 1980s, and a decision was taken not to provide a footway because the former level crossing was available for pedestrians. It gave an easier route to town and was segregated from the main road. It is easy to be clever

with hindsight, but it seems absolutely incredible, looking back, that part of the main road network made no provision whatsoever for cyclists.

Problems seem to have surfaced around 2004, and from 2006 there has been pressure to take action to resolve the matter. There have been three campaigns at the crossing, where leaflets were handed out, and there has been press coverage.

Network Rail tells me that, over the years, it has worked with the council to try to address safety issues. It has undertaken work looking at alternatives to the crossing, including options such as an underpass, lifts and ramped bridges, and it has offered to undertake the work to implement a solution. However, it has told me that, thus far,

"we have been unable to agree a solution with Dorset County Council".

I feel that it is because a big bill is looming that hard negotiations are taking place.

Network Rail has also independently installed a CCTV camera at the crossing, and there are voice announcements as well as a red light that warns users to stand clear of the crossing when it is in use. Misuse at the crossing received national media coverage after Network Rail released CCTV footage showing a young mother with her baby running across the crossing and ignoring the red light. Network Rail says that there have been 25 incidents at the crossing in the past 12 months when the driver has had to apply brakes, and that there are more than 80 recorded misuses at the crossing over the past four years. It says that that is more than three times the number of incidents at any other crossing in the south-west area and that it represents one of the worst records in the country. I do not believe that my constituents are particularly disregarding of regulations and laws, so this is a strange situation.

The matter has been brought to a head by the Office of Rail Regulation, with the threat of what is known as an improvement notice being issued to both the council and Network Rail. It requires steps to be taken to remove risk at a crossing that is considered to be dangerous, as we have heard. The latest news is that the crossing could be closed at the beginning of December.

Local residents need a presentation from Network Rail to be convinced of the level of abuse. Network Rail has been invited to a public meeting tomorrow night and I can only hope that it turns up, because it really will help to facilitate the discussion. Just imagine how the vast majority are feeling at the prospect of this important route to and from the town being closed. Why should they be punished for the actions of a few? What exactly constitutes a near miss? Network Rail has a duty to my constituents, so I really look forward to its presence at that meeting.

Right now, very short term, short term and long-term decisions have to be made. In the very short term, since 16 September, the crossing has been policed up to 7.30 pm at the latest—so not for 24 hours. I have tried to get figures of any misuse witnessed, but unfortunately there does not appear to be a comprehensive report. The initial cost of policing was £1,400 per week, but there has been a shift to a slightly cheaper private security firm. Originally, the county council used this mechanism to buy time to get alternative measures in place and proposed a follow-up short-term solution to provide transport for all those who are mobility impaired and cannot use the adjaeent footbridge. Cyclists would presumably be required to use the road footbridge, which does not even have a footway between the road and crash barriers.

My constituents were singularly unconvinced that a bus service to take prams, mobility scooters and people who had a proved disability to the other side of the railway line would be practical. They were right; already there is a change of plan for the very short term. The reason for this change of mind is that the detailed work to identify a public transport solution is proving unlikely to provide a sufficiently robust solution for the public. Also, the cost would be more than £100,000 per year, compared with £65,000 for the security presence.

I hear that the debate has moved on and that just policing is not acceptable to Network Rail. I am particularly concerned about whether any alternative will clearly be compatible with disability discrimination legislation, because there is a real issue that there should be access at all reasonable times over the railway line for disabled people.

The idea was that these short-term arrangements would last until Dorset county council secured funding for its long-term preferred solution of building a footpath-cycleway alongside the A351 Wareham bypass. My constituents' first preference is for electronically locked gates, but that is being dismissed on cost grounds over time from the county council and on safety grounds, I think, from Network Rail. I want to be assured that a full risk assessment has been undertaken. There is a busy vehicular and pedestrian crossing at Wool, which is electronically controlled, and an incredibly busy pedestrian crossing in Poole High Street, which is also electronically controlled. There is always the chance of somebody scaling the gates or rushing through, but surely there must be greater risks at those two points. I am looking for a proportionate response.

There is a lease issue, because Network Rail has to renew it in 2013. The original lease says that Dorset county council has the option to extend, but I understand that there would be a monitoring issue in respect of electronic gates when signal boxes change in 2012. Dorset county council tells me that Network Rail proposes charging it £100,000 per year for monitoring. However, there are only two trains an hour, so perhaps there is some bargaining to be done.

My constituents need to know in some detail why electronic gates are not being considered. The ORR letter to the chief executive of Dorset county council dated 1 September states that safety could be improved by the provision of supervised locking barriers or gates linked to the signalling system, although there was a preference for a bridge. It appears that the revenue cost of the additional supervision is the main obstacle to this proposal, which would have the full support of local residents.

Clearly, the type of gates used at Elsenham, where there was a double fatality in 2005, is not suitable. I suggest that we need a gate that is mechanically locked so that it cannot be forced open, with a safe refuge on the rail side for those who are crossing at the time the gates are locked. An additional gate could be provided immediately adjacent to the track that could be opened only to exit to a safe waiting area. I am sure that the

[Annette Brooke]

monitoring arrangements could be discussed further. Surely it is possible to find a safe solution if there is a will to meet what constituents want.

If my constituents were convinced that locking gates were not a safe option, there would be other options to consider: a disability-compliant bridge at the station, and the county council's proposal to put in a pavement and a cycleway alongside the road crossing. Residents need to be consulted, but Dorset county council is just saying that the latter is the best option. The fact that only in the 1980s was a road crossing constructed without pedestrian or cycling facilities shows how important it is to get the decision right. I have been informed that Network Rail offered to procure a new modular footbridge at Wareham for Dorset county council, but that was turned down. I am calling for openness, consultation and respect for my constituents' views. My constituents are certainly not responsible for the lack of preparation by Dorset county council before this crisis came upon everybody.

I have outlined some big issues today that involve compliance with disability discrimination legislation for elderly and disabled pedestrians and users of mobility scooters, and provision for mums with pushchairs, for people accessing and leaving the town centre, and for rail users. The existing footbridge is a nightmare. When I had a bad injury two years ago, I could not have used the bridge. I still cannot manage it with a suitcase. People with heart and lung conditions cannot cope with the bridge. People coming in from London have to cross the railway to catch a bus to Swanage. This will deter people who are not young and mobile from using public transport. The heavy pedestrian use of the crossing now reflects the fact that people are walking into town, which is great, so where are the other policy objectives to be considered: walking, cycling and public transport?

The longer route proposed by Dorset county council will mean that older people, and many others, will just get into their cars to go into town, perhaps going to Poole rather than Wareham. The county council route has the advantage of contributing to the strategic cycle network, but that is not my constituents' concern. The proposal by DCC will probably add an extra 300 metres on to the walk into the town centre. It is estimated that the county council's proposed solution will cost £2 million, although no money for that is currently allocated to any budget, and it is anticipated that it will take at least 30 months to construct. Forward planning and consultation does not seem to have been the name of the game.

Wareham is a vibrant town with many restaurants, pubs and individual shops. Recently Sainsbury's joined the Co-op in the town centre which is, of course, suffering from the recession. My constituents from the far side of the railway bridge walk and cycle into town now for many activities. A recent survey showed that more than 1,200 people used the crossing on just one day. My constituents' quality of life must be a consideration. I should like to ask the Minister whether, if this dispute carries on, there is any way in which he could intervene.

Finally, I should like to read some comments of a resident who does not use a car:

"I have lived here for 23 years...and have therefore used the crossing a few thousand times...I will point out some of the consequences of closing the crossing. Without level passage across the railway it will be either impossible for many to cross or far more dangerous than the status quo. I am 76 and visually impaired, go at least once a week from Northmoor into Wareham, riding gently or pushing as safety demands, mainly to fill the pannier-bags with food-shopping. I could neither heave the bicycle up the steps of the footbridge nor easily and safely lower it on the other side. The alternative would be either to ride or push it round by the main road, exactly the kind of route I do not now use on SAFETY grounds. Other elderly people have powered buggies, for which these alternatives are equally (or more) impractical.

Then 'early-birds' tell me that school-children using the route include many on bicycles, more able physically to cope with the bridge but chattering groups are likely to trigger falls on the descent, potentially serious. As for the thought of Northmoor kids weaving their way through rush-hour traffic on the A351, even the most bone-headed official should manage to see that it will end in tragedy and 'this must never happen again'. Yet do we want all these children to be conveyed in cars or buses, rather than get healthy exercise between home and school?

Finally, there are all the good people who are neither children nor pensioners, but just as deserving of a safe, direct and convenient route between the two parts of Wareham, on foot or bicycle, in buggy or with pushchair. We are all human beings with needs, and a huge majority of us use the present crossing responsibly."

11.20 am

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I am grateful to the hon. Member for Mid-Dorset and North Poole (Annette Brooke) for securing this debate on the pedestrian level crossing at Wareham, Dorset. She asked me for an overview, and she has provided a good one. I will try to address as many of the issues as possible in the time that she has left me.

This is an issue on which my Department has received significant correspondence from local residents recently, so I welcome this opportunity to update the hon. Lady on behalf of her constituents, particularly as I understand that a town meeting is being held in Wareham tomorrow to discuss the issue. The matter has arisen as a result of recent activity to consider the future of Wareham level crossing following increasing safety concerns.

The Government treat railway safety seriously, and an important aspect is safety at level crossings. Railways are one of the safest forms of transport and continue to improve. Changes to rail safety within the past 10 years —for example, the introduction of train protection systems, new rolling stock and better management of the infrastructure—have resulted in the UK having a rail safety record comparable to other western European countries. Previous primary rail safety risks, such as signals passed at danger, have fallen significantly owing to such mitigation measures to the point that, according to figures compiled by the Rail Safety and Standards Board, level crossings now represent the largest category of catastrophic risk to train passengers. Fourteen motorists and pedestrians died at level crossings last year, and I am sure that we are all aware of the tragic triple fatality at Halkirk level crossing only last month.

The day-to-day running of the railways and their safety is a matter for rail operators and the Office of Rail Regulation, as the independent rail safety regulator. My Department shares their concern about the risks at level crossings, but are mindful, as the hon. Lady outlined, of the impact that their closure may have on local communities. The conflicting needs for safety and access at level crossings are one reason why my Department, in partnership with the ORR, asked the Law Commission

to undertake a wide-ranging review of level crossing issues. The review is under way, and my officials have forwarded details of the case at Wareham to the Law Commission as an example of the conflicting pressures that occur in practice at level crossings.

Analysis of incidents shows that 96 per cent. of the risk at level crossings is due to accidental or deliberate misuse by pedestrians and road users. Considerable time and money is being spent by the rail industry to understand why that is so, and to improve facilities, equipment and education—for example, Network Rail's "Don't Run the Risk" advertising campaign to raise safety awareness. I am sure that the hon. Lady is aware that the incident to which she referred is one of the examples in the campaign's material.

The crossing at Wareham has red and green warning lights to show when it is safe to cross. In addition, Network Rail has put in place measures such as audible warning messages and CCTV. The latter captured the image that has had much coverage in the media of a young woman with a pushchair using the crossing when it was clearly not safe to do so. However, despite those efforts, problems and incidents persist, including regular near misses at Wareham. I understand that 25 incidents have occurred at the crossing when the train driver has had to apply the brakes, and more than 80 misuses at the crossing have been recorded over the past four years. That is more than three times the number of incidents at any other crossing in the south-west and is one of the worst records in the country.

I understand that British Transport police have agreed to maintain a temporary presence at the site, for which I am grateful, but clearly that is not sustainable. Against the background of persistent abuse, both Network Rail and the ORR have raised concerns regarding the ongoing safety of users of the Wareham pedestrian level crossing, highlighted by risk modelling, which suggests that the risk of a fatality is very high. It is clearly imperative that action is taken to improve safety at Wareham. No one wants a tragic accident, such as that in a similar situation at Elsenham in 2005.

In dispensing its legal duties as the independent rail safety regulator, the ORR is considering formal enforcement action in the form of improvement notices requiring better protection and safety at the crossing. For historic reasons at Wareham, those improvement notices will be directed at both Dorset county council and Network Rail. The ORR believes that improved safety at the crossing could take a number of forms, including the provision of suitable barriers or gates, but it believes that the provision of ramps to the existing footbridge and closure of the crossing would represent the most effective risk control and efficient use of public funds over the long term. The decision on which option to pursue is ultimately for Dorset county council in conjunction with Network Rail.

I am told that Dorset county council has sought advice from Network Rail on the cost and feasibility of installing barriers at the site, but that future signalling changes in the area complicate monitoring by staff, and discussions are ongoing on that point. I can only encourage Network Rail to examine fully the option of barriers. I understand that ORR would be willing to consider supervised magnetic gate locks, as fitted at Elsenham, but would have reservations about automatic locking of gates with an emergency release, which could be subject to abuse and might lack a means of checking that they close and lock for each train.

Dorset county council has also been investigating both short and long-term opportunities to secure safety and accessibility at the crossing. I understand that possible closure of the crossing has indeed been proposed for early December and that Dorset county council considered that on the basis of alternative robust accessible arrangements being in place. It investigated a public transport solution in the event of closure—putting on buses to connect the crossing to the town—but now believes that that is not a feasible alternative. Any infrastructure solutions that meet all requirements, such as accessible foot and cycle routes, are by their very nature a longer-term option. Network Rail is considering plans to make it easier for cyclists to use the adjacent footbridge.

I understand that the council is continuing to discuss options with Network Rail, including whether temporary measures such as an official presence at the crossing would help to tackle the safety risk in the interim, while longer-term, more permanent solutions are investigated. Any decisions arising from those discussions will have to satisfy the safety requirements of the ORR.

Apart from the obvious safety issues, I understand that the railway divides large residential areas from Wareham town centre and that the crossing is a key link between them. Although alternative pedestrian access is provided, I am advised that it is unsuitable for older people, people with restricted mobility, wheelchairs and scooters, people with small children, those with heavy baggage and cyclists, as the hon. Lady said.

Representations made to me by local residents have suggested that closure of the crossing without adequate provision for those groups would effectively divide the town and isolate communities—something that we would be keen to avoid. I am confident that the safety issues at the Wareham crossing are being handled appropriately by the ORR. When making the final decision, Dorset county council and Network Rail must consider, as well as safety, the impact of any closure on local communities, including accessibility requirements of the groups to which I referred. When considering that, I am sure that the council will be mindful of its obligations under equality legislation.

Safety concerns are of great importance, but the severance of communities and reducing accessibility to key transport routes are no less so. On that basis, I encourage Dorset county council, in conjunction with Network Rail, to ensure that all appropriate options, in both the short and longer term, are considered for the future of the crossing and that the safety, accessibility and community needs of Wareham are appropriately provided for. I hope that tomorrow's town meeting, to which I understand key stakeholders have been invited—I hope that they will attend—successfully contributes to the ongoing debate on the future of the Wareham crossing.

11.28 am

Sitting suspended.

Sri Lanka (IDP Camps)

[DR. WILLIAM MCCREA *in the Chair*]

2.30 pm

Joan Ryan (Enfield, North) (Lab): Just over a year ago, hon. Members on both sides of the House, many of whom are here again this afternoon, spoke in a debate in this Chamber on the grave humanitarian situation in Sri Lanka. At that time, the Government of Sri Lanka were pursuing a brutal military campaign, in which thousands of innocent civilians lost their lives, tens of thousands were injured and hundreds of thousands were displaced and left without access to shelter, sanitation, water, food or medical facilities. The conduct of that war—the use of heavy artillery, multi-barrel rocket launchers and white phosphorus in densely populated civilian areas—was brutal, inhumane and almost certainly illegal, so all of us took some comfort in the cessation of hostilities, but although the guns may be silent in Sri Lanka for the first time in 26 years, the price of peace could not be higher.

Nearly 300,000 civilians are being detained in camps in the north-east of Sri Lanka. The Government of Sri Lanka call them "welfare camps" and in the controlled images that they release to the international media, we see benevolent Ministers dispensing supplies to grateful, smiling Tamil families. The reality, though, is camps surrounded by barbed wire and armed soldiers, where latrine pits overflow and children fight for water, where emaciated pensioners lie in cramped tents and where thousands of young men disappear without trace. If the Government of Sri Lanka had even one ounce of regard for the welfare of the civilians held, they would be released without any further delay.

My hon. Friend the Minister saw for himself just how grim the conditions are, and I commend him for visiting Sri Lanka just a few weeks ago, yet since March 2008 the Government of Sri Lanka have confined virtually everyone displaced by the conflict to detention camps.

Susan Kramer (Richmond Park) (LD): I thank the right hon. Lady very much for outlining these circumstances. Will she comment on the fact that the Sri Lankan Government frequently use the argument about land mines and use the need for demining as their reason for not releasing people from the camps? Surely that is an area where the international community could ensure that there was no question but that demining capacity was provided rapidly.

Joan Ryan: The hon. Lady makes a valid point, and I will say a few words about the issue of mines.

The numbers in the camps swelled as the conflict intensified this year and more and more civilians were forced to flee their homes. By the time that formal hostilities drew to a close in April, some 300,000 civilians, including 50,000 children, were being held in 41 camps across four districts, but the end of the war did not mean liberty for the camps' inhabitants. Even though the Government readily declared that the war was over, they are still not ready to let people leave, so for the civilians kept in the camps, the peace dividends that the Government of Sri Lanka promised in their victory declarations have failed to materialise.

Mr. Paul Burstow (Sutton and Cheam) (LD): I congratulate the right hon. Lady on obtaining the debate, which is on a very important subject. I have Tamil constituents who are still seeking information about loved ones in that country and about where they are today. Does she agree that we now need publication of the names of everyone who is being detained in the camps and that those people should get the legal access and support that they ought to have, so that they can challenge the Government's decision to keep them in detention?

Joan Ryan: I absolutely agree. In fact, not to publish the names of exactly who is in the camps is against all the human rights legislation and international commitments that Sri Lanka has.

For hundreds of thousands of Tamil civilians, six months on from the end of the conflict, life in the camps is worse than ever. Quite how bad life is in the camps is difficult to establish. We know that it is bad. We know that there are severe water shortages. We know that whole families are forced to share 20 litres for a couple of days, that there is not enough water to drink and that civilians who have struggled out of battle zones are now forced to bathe in the water alongside the buffaloes.

Tom Brake (Carshalton and Wallington) (LD): Does the right hon. Lady agree that, if the Sri Lankan Government are so confident that everything in the camps is going as well as they suggest, they should allow the international media in so that they can see for themselves whether what the Sri Lankan Government are saying is true?

Joan Ryan: We all agree with that point, and throughout the duration of the conflict we made the same point. At no time over recent years have the international media been able to gain access to the areas where Tamil people predominantly lived or to what was happening in the conflict, and now the same is true of the camps.

There is not enough food. We know that not just from the haunting images of malnourished children and pitifully thin old men and women that recall camps of an earlier age, but from reports from local hospitals. Their records show us that since May alone, more than 1,000 civilians have died from malnutrition-related complications. We know that sanitation facilities are primitive. Elderly women are forced to crouch over latrine pits, and families share stinking, overflowing toilets. We know that health facilities are under-resourced, overstretched and totally incapable of meeting the needs of the people detained in the camps, so people die of treatable diseases and women are forced to give birth under the trees and in front of strangers.

Therefore, we know that the conditions in the camps are bad and getting worse. Indeed, the Secretary-General of the United Nations—a man not known for hyperbole—said:

> "I have travelled around the world and visited similar places, but this is by far the most appalling scene I have seen."

That echoes what I have been told by my constituents whose friends and families are trapped in the camps. Just yesterday, I spoke to a woman whose sister and three nephews are, she believes, being held in the camps. She could not tell me for sure because she has not heard

from them since last January, when Government forces took control of the village where they lived. Since then, there has been nothing—not a single phone call or letter. There has been no information whatever. Her voice broke as she described her sister and her nephews, the youngest of whom she has never met. A man from my constituency told me about his five-year-old niece and 18-month-old nephew, who recently left a camp. I am talking about a little girl who had to help to dig her father's grave with her bare hands, because her family had to flee before they had time to bury him properly, and a little boy who spent his second summer fighting the malaria that he caught in the Government camp.

Therefore, we know that things are bad, but we cannot know exactly how bad because, as we have already said, the Government of Sri Lanka will not let independent monitors or aid agencies into the camps. This Minister is therefore part of a select group of people who have been granted permission to visit the camps—so select, in fact, that even the International Committee of the Red Cross, for instance, has not been allowed in since July. Nor are the Opposition parties. On Monday, I and other hon. Members met Professor Jayawardena, a Member of the Sri Lankan Parliament. He told me that members of Opposition parties in Sri Lanka have been denied permission to visit the camps. He is not a Tamil. He does not have a large Tamil electorate. He is deeply concerned about human rights.

Mr. Andrew Pelling (Croydon, Central) (Ind): The right hon. Lady mentions constituents both here and in Sri Lanka, but it can sometimes help to give the view of Sinhalese constituents. Although it is a challenging question, it is worth asking. An e-mail criticising what I said at the rally last weekend, stated:

"All you care about is the nearly 50,000 Tamil votes in Croydon."

The right hon. Lady gives a stark picture of the situation in Sri Lanka. Will she take this opportunity to say that we do care and to explain what our motivation is?

Joan Ryan: The hon. Gentleman makes an important point. We need to stress time and again that it is about human rights. When the human rights of one are threatened, the human rights of all are threatened. It is right that we should raise our voices on behalf of those whose human rights are being ridden over roughshod. That is so whether they are Tamil, Sinhalese, Muslim or whatever. The point is well made. Indeed, Professor Jayawardena, in saying that he is not a Tamil and does not have a large Tamil electorate, is pointing out that this is about the human rights of Sri Lankan people who are Tamils.

The humanitarian situation has worsened, and ever more people are having to rely upon international agencies and NGOs for the most basic of needs. The Sri Lankan Government are denying them that lifeline. They are denying people food, medical treatment and sleeping mats. The Government of Sri Lanka tell us that certain agencies are allowed in—but only the agencies that they choose and only on the terms that they dictate. In addition to their vital humanitarian functions, those agencies are indeed the eyes of the world. The Sri Lankan Government have deliberately prevented outside scrutiny of the camps, leaving camp residents vulnerable to abuse. Reports from the camps of abductions, disappearances, extra-judicial killings and intimidation continue.

Even more worrying than conditions in the camps that we know of are those in the camps that we do not—the secret camps, whose existence the Sri Lankan Government refuse to confirm, whose conditions are impossible to monitor and whose detainees are held incommunicado and without access to family members or legal advice. We know that the danger of serious human rights violations increases substantially when detainees are held in locations that are not publicly known, and where proper legal procedures and safeguards are not in place. Even a cursory glance at the history books shows that.

Amnesty International believes that there could be as many as 10 unofficial and unacknowledged detention sites in the country, although the number could of course be much higher; we simply do not know. However, we know that the camps are illegal and a crime against humanity. Let us be in no doubt on that point: civilians have an unambiguous and unqualified right to free movement, and a right to liberty now and not when the Sri Lankan Government get around to it.

The reasons that the Sri Lankan Government give for such detention are simply a smokescreen—an excuse for the collective punishment of the Tamil people. The Government say that they need to screen the Tamils to ensure that none of them are members of the Liberation Tigers of Tamil Eelam. Why is it that six months on from that screening process only 5,000 civilians have been released? Why are the Government continuing to incarcerate pregnant women, small children and the elderly?

The Sri Lankan Government say that it is unsafe for the Tamils to leave because many of the areas they came from are mined, as we heard from the hon. Member for Richmond Park (Susan Kramer). That is simply not true; not all the areas were mined, and many of those detained in the camps could stay with friends or relatives far from any mined areas. Those who genuinely have nowhere to go could choose to stay in the camps, but that choice would be theirs. The Government of Sri Lanka must give the Tamil people their freedom—and they must give it to them now.

Time after time, the Government of Sri Lanka have promised to release civilians, but their promises come to nothing. In May, President Rajapaksa said that 80 per cent. of civilians held at the camps would be released within 180 days. Six months on, and about 5,000 civilians have been released. The Government of Sri Lanka tried to inflate the figure by transferring people to other camps and classifying them as having been released. However, the reality is clear: only a tiny fraction of those detained in the camps have been released.

Mr. David Burrowes (Enfield, Southgate) (Con): I thank the right hon. Lady for giving way, and I apologise for not being here at the start of her speech. It was due to commitments that I had with an all-party group.

The right hon. Lady is speaking about the Sri Lankan Government honouring their commitments. Will she say how important it is that they do not simply shift their goals from 180 days to the end of the year, with only 100,000 being resettled by the end of the year? There needs to be a firm commitment not only to their own version of resettlement; they need to make a commitment that people will be able to go back to their homes as soon as possible.

Joan Ryan: I agree. I was about to make that point. Indeed, this month the Minister for Resettlement and Disaster Relief Services cut the estimate in half, saying that the Government plan to release only 100,000 by Christmas.

The Government of Sri Lanka say that they are doing their best, but their best is not nearly good enough. I say that enough is enough—enough of the Sri Lankan Government's evasions and half-truths; enough of their inaction and obfuscation; and enough of the suffering of the Tamil people. The longer they are detained in those inhuman prisons, the more difficult it will be to achieve what every Sri Lankan—Tamil, Sinhalese and Muslim alike—wants: a lasting peace in Sri Lanka.

Each extra day that the Tamil people are forced to live in those camps will serve further to alienate the Tamil community and exacerbate divisions; it will create bitterness at a time when reconciliation is more important than ever. As frustration grows and tensions rise, conflict is already beginning to break out in the camps. Report after report over the past few weeks has detailed the escalating conflict between the inhabitants of the camps and the military guards. As the camps grow ever more crowded, and as the monsoon season arrives, the conditions will worsen and the habitants will become ever more desperate.

If the monsoon brings water pouring into the tents, it will be an entirely man-made disaster. It was the Government of Sri Lanka who built the camps on flood-prone areas. It was the Government of Sri Lanka who rounded up hundreds of thousands of innocent men, women and children and imprisoned them in camps designed to be only a temporary shelter, and built to hold only half the number of people that currently live there. Lest we forget, it is the Government of Sri Lanka who refuse to let them leave.

However, if the fault lies with the Sri Lankan Government, so too does the solution. They have it within their power to release the civilians and begin a process of reconciliation that will build a peaceful and just Sri Lanka. It is the responsibility of the British Government to do all that they can to encourage that process, so I look forward to hearing what the Minister has to say. I can tell him that the Tamil community know that our Government have led and are leading international efforts to secure a just and lasting solution in Sri Lanka. I welcome the fact that the Government did not support Sri Lanka's application for a $2.6 billion loan from the IMF. I hope that the Minister will take the opportunity to give us a little more detail about the nature of those efforts, particularly about the work of our officials in Brussels, who are currently considering Sri Lanka's access to the EU market.

While Sri Lanka so brazenly abuses the rights of its citizens, it is inconceivable that the EU should renew GSP plus—the generalised system of preferences. It is surely time for Sri Lanka to be suspended from the Commonwealth and removed from the Commonwealth Ministerial Action Group when it next meets in November.

Simon Hughes (North Southwark and Bermondsey) (LD): As always, I appreciate the right hon. Lady's efforts and the fact that she is specific about some of the solutions. Will she join me in asking Ministers to be really clear over the next few days, before the Commonwealth conference next month, that the British will not support Sri Lanka as a host country for the conference to be held in two years' time? We should make that clear in advance, saying that it would be unacceptable to many of our Commonwealth colleagues. We cannot set human rights standards and invite people to promote them when some in our own backyard clearly have a bad record.

Joan Ryan: I am sure that the Minister heard what the hon. Gentleman said, but I agree that it is completely incompatible to hold a Commonwealth conference in Sri Lanka given all that has been said, and the situation that exists.

We need to send a clear message to the Government of Sri Lanka that the continued detention of Tamil civilians will have serious consequences for Sri Lanka's relationship with the international community. However, we must have a united front. The whole House must speak with one voice in its condemnation of the treatment of Tamil civilians and in its appeal for their immediate release. The number of Members present this afternoon demonstrates the level of concern felt on both sides of the House, which is why so many of us were disappointed by the comments that were made last week in the House by the hon. Member for Cotswold (Mr. Clifton-Brown), when he appeared to support the Government of Sri Lanka's application for preferential access to our markets.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Will the right hon. Lady give way?

Joan Ryan: I will, but just let me finish my point.

On that precise point, I hope that we can be clear. The EU extends preferential access to its markets to developing countries under a number of very clear conditions. Beneficiary countries must comply with 27 international agreements on human rights issues. Sri Lanka does not meet those conditions and is, therefore, not eligible for GSP plus. I sincerely hope that the hon. Gentleman will be able to clarify the position of the Conservative party on that matter.

Mr. Clifton-Brown: I congratulate the right hon. Lady on securing this debate. She and her colleagues must be very careful about calling for the Sri Lankan Government to be punished by the ending of trade preferences with Europe, because she will have to explain how the Sri Lankan Government will be able to afford to rebuild the infrastructure to enable the Tamils to return. If they cannot afford it because they are bankrupt, she is punishing both the Government and those who have been hurt by the dispute, and she must be able to explain that.

Joan Ryan: I regret the fact that the hon. Gentleman did not take the opportunity to state his party's support for ending GSP plus status to Sri Lanka and to condemn its human rights record. I can explain why I call for the preferential status to end. There is a line to be drawn, and that line stands when human rights are being trashed and people are losing their lives. People are subject to abductions, rape, torture, extra-judicial killings and the most appalling living circumstances. They are in camps that are surrounded by armed guards and barbed wire. That is where I draw that line.

The hon. Gentleman is concerned that the Government of Sri Lanka should be able to afford to restructure and resettle Tamil communities. However, they are able to do that because the solution lies in their hands. They can stop the abuse of human rights and then they will not be subject to calls for the ending of GSP plus and for other sanctions to be taken. The solution lies with the Government of Sri Lanka, and not with them having preferential access to our markets when their human rights record is appalling.

John McDonnell (Hayes and Harlington) (Lab): It is exactly as my right hon. Friend is saying. When everything else fails—exhortations, appeals to humanity and international representations—there is nothing left for us but economic sanctions. The Sri Lankan Government seem to think that they can act with impunity, so let us send them a message: "Release the people from the camps, end the human rights abuses and we will assist in the rebuilding of the country."

Joan Ryan *rose—*

Siobhain McDonagh (Mitcham and Morden) (Lab): Will my right hon. Friend give way?

Joan Ryan: I will.

Siobhain McDonagh: Does my right hon. Friend agree that over the past few weeks, we have seen an increasing number of abusive phone calls and e-mails precisely because of the report on GSP plus? For the first time in more than six months, the Sri Lankan Government are on the run on this one, thus providing real leverage to achieve progress for the people in the camps in Sri Lanka.

Joan Ryan: I absolutely agree with the comments of my hon. Friends the Members for Hayes and Harlington (John McDonnell) and for Mitcham and Morden (Siobhain McDonagh). I should like to pay tribute to both of them for their commitment on this issue over a long period of time. I am sure that the Minister and everyone else have heard what they have had to say.

Mr. Clifton-Brown: I am sorry that the right hon. Lady is trying to play politics in the way that she is. All parties condemn all the human rights abuses; it is a question of how we achieve our ends. I say to her again, if the Sri Lankan Government's economy is completely bankrupt, how will the country be able to afford to rebuild the infrastructure? She must explain that if she is going to accuse us of asking such questions of her Government. How will the Sri Lankan Government be able to afford the infrastructure?

Joan Ryan: I will always give way on such issues, but the hon. Gentleman has not added anything to what he first said, and that speaks volumes about his position. Others in his party do not take his position, but he speaks from the Front Bench, and it is most regrettable that he is not able to join all of us, across the parties, in saying, "GSP plus should be withdrawn because of the human rights situation in Sri Lanka." He heard what my hon. Friend the Member for Hayes and Harlington had to say about how we would seek to respond should the Government of Sri Lanka do something about the camps and the situation in which the Tamils find themselves.

Barry Gardiner (Brent, North) (Lab): My right hon. Friend makes an exceptionally compelling case. Does she not think that if one compares the amount of military money that the Government of Sri Lanka have spent on fighting this war over the past few years with the peace dividend that they promised would come from fighting that war, there is, by their own rubric, enough money to deal with the dispersal and the rehabilitation of the people in those camps?

Joan Ryan: I think that we all—or most of us—take my hon. Friend's point.

Simon Hughes: The right hon. Lady is right to say that GSP plus is very important. No one is arguing that Sri Lanka should be treated differently in that regard. There are rules for compliance and rules for preference. If a country does not meet the rules, they do not deserve the scheme. It is not our particular local position; it is an international one. Sri Lanka has just had a big loan from the International Monetary Fund, which Britain voted against. It is not as if it does not have access to other resources. It can comply with the rules by opening up to journalists and independent agencies so they can see that human rights are being complied with.

Joan Ryan: That is absolutely right. As the Conservative Front-Bench position is something that many of us would find very difficult to support, perhaps we should all—and I hope all—disassociate ourselves from those such as Lord Naseby in the other place and Geoffrey Van Orden in the European Parliament who have, over a number of years, sought to defend the indefensible and given succour to precisely those forces that all of us here oppose. Either we believe in human rights or we do not. There can be no halfway house on human rights. Either we all have them, because we are all equally human, or none of us has them.

The situation in Sri Lanka is dire. Hundreds of thousands of Tamil civilians are being unlawfully detained in internally displaced persons camps. Those camps are besieged by flooding, outbreaks of contagious diseases, and inadequate supplies of food, shelter and sanitation. People are desperate to leave, and there is an urgent humanitarian need to ensure that they are allowed to do so.

There is also a broader political reason why the freedom of the Tamil people and a just and peaceful Sri Lanka are inextricably linked. The Sri Lankan Government appear to believe that if they can physically contain the Tamil people, they will put an end to the conflict in Sri Lanka. However, the only long-term solution to conflict in Sri Lanka will be a political one that is achieved by inclusive political negotiations. The Sri Lankan Government cannot keep the Tamil people imprisoned for ever, and neither can they ignore those people's legitimate aspirations. The longer the Tamil people are denied their freedom, and the worse the conditions in which they are forced to exist become, the more difficult it will be to achieve any lasting peace. The Government of Sri Lanka must accept that and give the Tamil people their freedom now.

Several hon. Members *rose—*

Dr. McCrea (in the Chair): Order. Many hon. Members have asked to participate in this debate. We will start the Front-Bench speeches at 3.30 pm. I would like to call as

[Dr. William McCrea]

many hon. Members as possible, so I ask each speaker to be sensitive to the needs of others, and I will work with you.

3.1 pm

Mr. Lee Scott (Ilford, North) (Con): Let me start by congratulating the right hon. Member for Enfield, North (Joan Ryan) on securing the debate. I will not repeat anything that has already been said, as I would like to talk about this subject from a personal perspective, before making some suggestions.

Last Thursday, together with three other hon. Members, one of whom is in the Chamber, I visited Auschwitz concentration camp. We saw what man's inhumanity to man can do, and where things can end. That most emotional trip affected and upset me greatly. I am still thinking about what we saw last week, partly because my own grandparents came from that area, and I might not have been born had the Nazi regime had its way.

In 2009, the position is simple: these camps should not exist; they should not be there. I remember—as I am sure anyone who knows their history will know—that the Nazi regime put up Theresienstadt as a model. They said, "This is where we will let the media in and this is what we will allow people to see. We will create the façade that people are happy, being resettled and getting what they want." We know what a myth and a lie that was, and how many millions of men, women and children lost their lives.

I have been criticised by the Sri Lankan high commission for making that comparison, and I am pretty certain that I will be criticised again after I have finished speaking today. However, I do not know what is going on in the camps. My constituents do not know what is happening to their relatives, because no one is allowed in to see. They are allowed to see only a sanitised version of what is going on. Therefore, if I am making certain comparisons that are not true, I challenge the Sri Lankan Government to allow people in to see.

Mr. Burrowes: I pay tribute to my hon. Friend and his long-standing campaign on behalf of the Tamil community and on the importance of respect for human rights. A cross-party campaign has existed for some years both inside and outside the House, and I pay tribute to Rachel Joyce, Andy Charalambous and others. The Foreign Secretary said that this was a war without witness, but the danger now is that any peace will also be without witness. There is an urgent need not only for the International Red Cross to maintain its presence, but for proper United Nations monitoring and freedoms, not least for the press.

Mr. Scott: I thank my hon. Friend for his comments—I agree totally. We must let people from the International Red Cross and from third sector and humanitarian organisations in to see what is happening. Most importantly, let us not talk about 100,000 people, let us not say Christmas or next year, and let us not use excuses that there might be mines. I am sure that if the Sri Lankan Government asked the international community, everyone would help to clear those mines, should they be there. Therefore, the camps should be closed down now, this second, however many there are.

I cannot remember how many debates we have had in Westminster Hall and the main Chamber on this subject, but it strikes me that the Sri Lankan Government could not care less what we say. I do not think that they are listening to anything we say—they do not give a damn. I think that they will pay lip service which, forgive me, is irrespective of whatever the Government might say and whatever the political persuasion of that Government is. The Sri Lankan Government have their own agenda. Without any question, they have arrested people on suspicion of being in the LTTE who are in fact children and pregnant women—it is absolutely outrageous. If Sri Lanka will not stop its behaviour, the only way forward is its suspension from the Commonwealth with immediate effect. As I have said, I believe that the camps should be closed.

I have taken on board your comment about many Members wishing to speak, Dr. McCrea, so I will finish quickly. If we do not protect innocent Tamil people, we should hang our heads in shame because we are not doing what we were elected to do. I say that from the position of not having a vast Tamil community in my constituency that could affect the election one way or another. I am speaking as one human being, about a group of other human beings. Lest we forget what happened; it can happen again.

3.6 pm

Barry Gardiner (Brent, North) (Lab): It is good to see you in the Chair, Dr. McCrea; I can think of no hon. Member who is more fitting: you have lived through a situation in Northern Ireland, and many people have gone from there and spoken at various stages with the Sri Lankan Government. They have tried to use the benefits of knowledge accrued in Northern Ireland to help with the peace settlement in Sri Lanka.

I remember the day when President Rajapaksa came to Northern Ireland as the new President of Sri Lanka, to try to learn from that peace process. What an absolute betrayal of everything that the people in the Northern Ireland Assembly and the politicians at the time tried to teach him about the way to achieve peace. What we have seen over the past few years has been abhorrent to the international community.

I will respect your injunction about time, Dr. McCrea, but I want to make a couple of brief points. My right hon. Friend the Member for Enfield, North (Joan Ryan) has eloquently said what most of us in the Chamber believe. I pay tribute to her for her speech, for securing the debate and for her long-standing commitment to fighting the injustice perpetrated by the Sri Lankan Government.

The other day, I was with a delegation of Chinese parliamentarians. Ostensibly, I was speaking to them in a meeting about climate change. However, the most important dialogue that we had was about the Chinese role in supporting and funding the Sri Lankan Government, their part in funding the military hardware that was used to secure the defeat of the LTTE and the way that they have propped up Rajapaksa's regime. We need to see increasing pressure from our Government on China and on those in the region who support the Sri Lankan Government.

My second point was touched on by my right hon. Friend and is that when the fighting stops, it is even more important to have political dialogue that is genuine

and can sustain the transition through to peace. We clearly do not have the preconditions or circumstances for that at the moment, and as my right hon. Friend said, even if people were doing their best, it would not be good enough. Sadly, nobody in the international community thinks that they are doing their best.

The Sri Lankan Government therefore have to give an indication that they are prepared to embark on a political process. All hon. Members present suspect that they will move towards a process of elections within the next few weeks. In those elections, they will emphasise the need for a strong mandate and they will no doubt use their defeat of the LTTE and the resulting popularity—as they see it—to rally people to vote for them. They will then try to secure a strong mandate and say that they will use it to try to give devolution to various parts of the country, but how can anybody believe them, when that is what has been fought over for so long?

This debate is about one thing and one thing only: the right of the Tamil people to live equally on the island—the right to self-determination and to secure a homeland called Tamil Eelam. I speak as a Scotsman who is proud to represent a constituency in London and who is proud to be, first and foremost, British. However, I am also proud of my Scottish national identity, and I recognise that such a right obtains for a Tamil in Sri Lanka as much it does for a Scotsman in England. Unless the Sri Lankan Government understand the Tamils' genuine aspiration to self-determination and a national homeland, there is absolutely no prospect of a transition from the bloody awful war that we witnessed, through the detention camps and on to a peaceful political solution.

3.11 pm

Tom Brake (Carshalton and Wallington) (LD): I congratulate the right hon. Member for Enfield, North (Joan Ryan) on securing the debate. I consider myself a bit of a veteran of Westminster Hall debates, and I see a few others, such as the hon. Member for Islington, North (Jeremy Corbyn). What is significant about this debate, however, is that 22 Members of Parliament are, or have been, present, and that reflects the importance that Parliament gives to this subject.

I have been working closely on this issue with my Tamil community for a number of months, not because I am pro-Tamil or anti-Sinhalese, but because I am pro-human rights, and the human rights of the Tamil community are being grossly infringed and are under a sustained onslaught in Sri Lanka. The Tamils do not have access to life's simple pleasures, and I am struck by the contrast between the conditions that we have been debating and the event that I have just come from in my constituency—I was just able to get here in time to take part in the debate. Representatives of a number of different religious communities were celebrating the 20th anniversary of Holy Trinity's luncheon club. Our communities have such rights, but the same rights are being denied to the Tamil community in Sri Lanka.

My local Tamil community has made a number of simple, straightforward requests to the Sri Lankan Government, and I want briefly to list them to show how reasonable they are. No one, including the Sri Lankan Government—or their more responsible members—could suggest that these requests are unreasonable.

The first request is that the Sri Lankan Government free the people who have been illegally detained and let them go to their homes. The second is that they allow back to their homes the many thousands of people who were forced out of residential areas that were turned into high-security zones and who are now held in camps in other parts of the island. The third request, which other Members have mentioned, is that the Government publish the details of all those detained as suspects and treat them according to appropriate international standards.

The fourth request, which other hon. Members have also mentioned, is that the Sri Lankan Government allow free media access to the camps, so that we can corroborate, or otherwise, what the Government are saying about conditions in those camps. The fifth request is that the Government allow legal representation and access by the International Committee of the Red Cross to those who are detained as suspected members of the LTTE or their alleged supporters. The sixth request, which I support entirely as a long-standing member of Amnesty International, is that if the Government believe that people are guilty of something, they should press charges against them and bring them before an internationally recognised court, so that their cases can be heard.

The seventh request is that the Sri Lankan Government work towards a political solution. We in this Chamber know very well that such situations are resolved only through a political solution that allows different communities to live together in peace and dignity. The eighth request is that the Sri Lankan Government investigate human rights violations, and the ninth and final request is that they investigate war crimes. On those last two points, it is important that we show balance. If an investigation into human rights violations and war crimes is carried out, as it should be, it will clearly need to look at allegations on both sides of the conflict. It should not focus exclusively on what has happened on the Sri Lankan side, but should also focus on what happened on the Tamil Tigers' side.

I have one slight disagreement with the right hon. Member for Enfield, North. My Tamil community does not endorse the UK Government's actions as wholly as she has done, and it feels that the Government could press harder. I understand the sensitivities that are involved, given the UK's past involvement in Sri Lanka, but my Tamil community certainly feels that the Government could take more action. Many Members have outlined what action could be taken in relation to the Commonwealth, GSP plus and so on. We hope that such action will be taken and that the Minister will be able to reassure us that the Government are pushing at all the vulnerable points to secure an outcome that helps the Tamils and brings longer-term peace and stability to Sri Lanka as a whole.

I am not taken in by what the Sri Lankan high commission has said. I, too, had meetings with its representatives earlier this year in which I was told that 80 per cent. of people would be freed—I think that I was told that that would happen by the end of the year. Clearly, that is not going to happen. There has been no explanation of why the Sri Lankan Government are making such slow progress towards releasing people from the camps, and I query whether they are likely to honour any commitment unless the international

[Tom Brake]

community takes overwhelming, co-ordinated action to exert as much pressure on them as possible, using any avenue available.

On that point, I will complete my remarks. I hope that we will hear a very strong statement from the Minister, so that we can all go back to our communities and reassure people that the UK Government are taking every possible action to resolve this matter.

3.17 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): We all agree that it is wrong to keep people encased in barbed wire and to take away their freedom of movement, and we all agree that it is wrong not to give access to journalists—that is the easy stuff. The political issue is what we do about that. We can stand here all day making speeches and feeling better about ourselves, but where, in the end, is the political clout that will make a difference? That is the question that separates the Labour party from the Conservative party, because Labour Members believe that we must use any leverage that we can to promote what we want to happen.

In 2008, EU imports from Sri Lanka under GSP plus totalled €1.24 billion. GSP plus saved Sri Lanka €78 million in import duties. If we are not prepared to use that as leverage to get people released, we are simply posing, we are simply pretending and we are simply playing at tackling these issues because we think that that will put us in a good political light.

We have been here before. We were here on South Africa. We were here over apartheid. Was it warm words and the hand of friendship that released Nelson Mandela and tore down that regime? No, it was individual Governments and people making their views known and spending their money in the way that they thought most appropriate that effected the change in that regime.

There is no support in warm speeches and warm words—the only support that we can give is in real action. The removal of GSP plus gives us huge leverage to encourage the Sri Lankan Government to do what they should be doing.

3.19 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I shall be brief. It is a pleasure to follow the hon. Member for Mitcham and Morden (Siobhain McDonagh). I agree with everything that she said. I congratulate the right hon. Member for Enfield, North (Joan Ryan) on securing time for this important debate.

We are currently reminded daily, by the proceedings in the Hague, of the inhumanities and terrible occurrences in the Balkans. In the meantime, the international community seems to be standing by while similar things go on in Sri Lanka. It causes despair in anyone with any regard for human rights. I do not know whether I have a single Tamil constituent. However, I have several Tamil friends and am a friend of anyone whose human rights are degraded in the terrible manner that is causing the suffering in Sri Lanka. We know of the camps and that there is apparently a process under way to weed out the Tamil Tigers. No one knows how it works. The Red Cross is not allowed to go there. Still, after months of the process, there have been few, if any, releases. We now know that the Government will allow some day passes, in a limited area, in Mannar. Surely, someone who can be given a pass can be out for the rest of his life, not just a day.

Awful things are transparently happening, and we in the international community are expected to swallow that nonsense. We know about arbitrary detention, and I shall not deal with that. We also know about the inability to trace relatives and the lack of protective mechanisms in the camps. The whole scenario, and the fact that it is allowed to happen in a Commonwealth country, is a disgrace. The situation in the camps is getting worse by the day, and we should bear in mind the onset of the monsoon period. The lack of access to proper medical care grieves me as well.

I listened carefully to what the hon. Member for Ilford, North (Mr. Scott) said about the horrible acts under the Nazi regime. Events in Sri Lanka are not quite on the same level, but they are fast getting there, and the international community should say enough is enough. It should be baring its teeth to that evil Government who are acting in a way that is totally incompatible with anyone's notion of human rights. It is high time that we used every possible diplomatic avenue that is open to us. I agree that, as the hon. Member for Hayes and Harlington (John McDonnell) wisely said, GSP plus should be the first thing to go. Let us go for that without delay. In the meantime, let us urgently suspend the Sri Lankan Government from the Commonwealth. The Commonwealth is meant to be one of the nations that observe standards. The things that are happening are not the standards of the Commonwealth.

3.22 pm

Jeremy Corbyn (Islington, North) (Lab): I apologise for missing the first few minutes of the debate, Dr. McCrea; I was tied up on constituency matters. If the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) had any Tamil constituents, they would have been in touch. They are the most communicative community that this country has, and that is what is brilliant about them. I pay tribute to my right hon. Friend the Member for Enfield, North (Joan Ryan) for what she has done and does, and for obtaining today's debate, which has provoked a flurry of briefings and advice, not least from the Sri Lankan high commission, which has once again furnished us with its version of the current situation and facts pertaining in Sri Lanka.

I shall be very brief, so that others get to speak. I was first elected to the House in June 1983. In July 1983, there were riots in which many Tamil people ended up in refugee camps. There was terrible bloodshed and an outbreak of the fighting that has, essentially, gone on ever since. One could read in this Chamber now the debate that took place in the House in July 1983, and, sadly, it would not sound out of place; it would sound much the same as what hon. Members have been saying this afternoon. I have watched the situation and worked with many people from Sri Lanka over many years, and I have constantly been appalled at the level of violence, the amount of displacement and the killings. Huge efforts were made, particularly by the Norwegian Government, to bring about a long-term sustainable peace. Unfortunately, those efforts were not successful. Many others have tried to bring about such a peace, without success.

Not so long ago, we all witnessed on global television the final acts, when the Sri Lankan military moved in on the Tamil positions: brutality and killings, a huge number of deaths, the displacement of large numbers of people and the destruction of their homes. Then followed the triumphalism of the Sri Lankan army and the declarations of a national victory. That is not a good sign for reconciliation or a harmonious island of Sri Lanka in the future. The presence of large numbers of people in the refugee camps is frankly horrific. They are not in refugee camps; they are in prison camps. That is what those places are in reality. They cannot leave or be communicated with unless they have permission, and the sense of displacement and anger in the Tamil community around the world is palpable. It must be addressed.

So what do we do? Sri Lanka is a member of the Commonwealth and a trading partner. It seems to carry on getting tourists and all the trade that it wants. I recognise that sanctions cause people hardship, but if that is the only instrument that is left to bring recognition of and reasonableness towards the Tamil people, it is a policy that we must pursue. I therefore have no hesitation in supporting that approach. In the humiliation of the Tamil people in the camps, their poverty and displacement and all the privations that they now suffer lie the seeds of tomorrow's conflict, and the one after. All that will be created by the present policy is another version of the LTTE. It is utterly counter-productive, apart from being illegal in human rights law. I have also been looking at the convention on the prevention and punishment of the crime of genocide. It is regrettable that the United Nations Human Rights Council could not see that when it voted at the special meeting on this subject in September.

I look forward to hearing what the Minister has to say. It is not a question of being anti-Sri Lanka. It is a question of being pro-human rights, pro-peace, pro-justice and ensuring that the Tamil people have their place, their rights, their language and their identity. That is what brings harmony. Denial of that identity brings tomorrow's death and conflict.

3.27 pm

Mr. Neil Gerrard (Walthamstow) (Lab): The debate is coming towards its end and it is difficult not to repeat some of what has been said, but, like my hon. Friend the Member for Islington, North (Jeremy Corbyn), I have been involved in issues to do with Sri Lanka since I was first elected in 1992 and I cannot remember in all that time a worse year than this for what has happened there: the fighting at the beginning of the year, and having people coming to see me whose families, friends and relatives were trapped in Wanni, and who did not know what was happening to them. Many still do not know what is happening to them. The point has been made already that we do not have, but should have, information about who is in the camps.

I want to emphasise a point about conditions in the camps, which has been mentioned, but perhaps was not stressed as much as it should have been, and that is what will happen very shortly when the monsoon arrives. We are rapidly heading for a humanitarian disaster in the camps. If the monsoon rains arrive and there is flooding in the camps, so that latrines are flooded, there will be disease and people will die in significant numbers. There is a disaster on the horizon if the camps are left in their present condition, with the number of people currently in them.

There has already been discussion in this debate about what the Tamil people ask for, and the response of the Sri Lankan Government. No Government who claim to be democratically elected, a member of the Commonwealth and the United Nations, and to be signed up to international conventions should be able to ignore international opinion, as the Sri Lankan Government have been doing. It is not anything new. Over the years people have been arrested or have disappeared and there have been emergency regulations to allow detention without trial. Those things, we know, have gone on for years. That is what astonishes me about the reaction from the Conservative Front Bench this afternoon and the suggestion that we should not use pressures such as GSP plus. If we are not prepared to use such tactics—

Mr. Clifton-Brown: Will the hon. Gentleman give way?

Mr. Gerrard: The hon. Gentleman will have his opportunity to speak in a moment; I want to conclude. If we do not use what pressures we can with the Government of Sri Lanka—not allowing preferential trade, stopping arms sales and all the sorts of thing that we have used with other regimes—we will not see the political progress that every one of us wants. Only with that political progress will we reach a solution.

Dr. William McCrea (in the Chair): I will give one minute to Tom Clarke before we start the winding-up speeches.

3.30 pm

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): Thank you, Dr. McCrea. I shall choose two points from the speech that I was going to make. Incidentally, many of them have been covered in the excellent introduction. My right hon. Friend the Member for Enfield, North (Joan Ryan) set the tone, and it is fair to say that it is a tone of anger. We are angry about what is going on and that it has taken so long even to get where we are.

I will make two points before I sit down in the minute that I have. Even ignoring the terrible problems in Sri Lanka—the poverty, the fact that women are not free in any sense, the sex attacks on children and so on—it is a country that is supposed to be conducting an election in 2010. I put it to the Opposition spokesman as well as my hon. Friend the Minister that we must beware of those elections and ensure that they are free, fair and transparent. Nothing else will be acceptable to the international community.

3.32 pm

John Barrett (Edinburgh, West) (LD): It has been an excellent debate, with contributions from all parties. I congratulate the right hon. Member for Enfield, North (Joan Ryan), who opened with a powerful speech containing moving examples of detainees' life in the camps. I will not go through each of the contributions, but some have been excellent.

[John Barrett]

I will, however, pick out the contribution of the hon. Member for Ilford, North (Mr. Scott), who mentioned Auschwitz. Like him, I visited Auschwitz and Birkenau this summer. The visit made me particularly aware that one key problem was that people at the time did not have a full grasp of exactly what was happening. The Government of the day made propaganda films giving a generous view of what was going on in the camps, but an example of what was happening in one camp was in no way a summary of what was happening in all the other camps. I know that the Minister was in Sri Lanka recently with the BBC, but whatever he saw, it is vital that what happens in every single camp is exposed. If there were nothing to hide, journalists and politicians from all parties out there, including the Opposition, would get into every camp.

More recently, I went to visit the camps in Darfur at Nyala. At that time, the Sudanese Government were also saying that there was absolutely nothing to worry about in certain camps, but when individuals saw the facts on the ground, it was easy to see that there was. Women were being abused in the camps, torture was being carried out by—

Lorely Burt (Solihull) (LD): I apologise for arriving late; I had another engagement that I could not get out of. I met with Tamils from my constituency and the west midlands with my hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes) a week or so ago. The state of the camps—flooded now, let alone when the monsoon comes—was absolutely shocking. Does my hon. Friend agree that it is appalling that Sri Lanka, once one of the most respected members of the international community, is keeping 260,000 people in what are effectively Government-run internment camps?

John Barrett: I certainly agree. We have all, no doubt, had an update from the Sri Lankan high commission, but on one hand we have its response, and on the other—I admit to an interest as a fully paid-up member and supporter of Amnesty International—we have a completely different point of view. We also have first-hand evidence of exactly what has happened from people with family and friends detained out there.

When the Minister sums up, will he address the questions raised by many people, including at Amnesty? The camps remain overcrowded and lacking in basic sanitation facilities, with water cascading through tents and sewage overflowing. Will he give us a report of what he saw and what can be done to ensure, as we hope, that people will be released in the immediate future, and that they have access to basic facilities and humanitarian rights until that time?

There have been reports that the military are blocking release attempts by the civilian Administration, as well as reports of torture. Has the Minister had any evidence of that, and what pressure can his Government apply to end it? There have also been reports of releases from the camps that were in fact transfers to other, unnamed camps where displaced people have been subject to re-screening by local authorities. Will he enlighten us about what he believes to be the numbers in the camps, how many camps there are and exactly where those people are who have been allegedly released? Have they just been transferred?

With the monsoon season approaching, we are at a critical time. It is right that we are having this debate to ask what more can be done to avoid a humanitarian disaster following the political upheaval. This debate is not about the justification for the Sri Lankan Government's action against the Tamil forces, or the future political settlements that will be essential for a long-term restructuring of the country. Of more immediate concern is the fate of those 250,000-plus refugees still detained in Government-run internment camps.

It has now been almost five months since the war's end. It is unacceptable that so many people are still essentially prisoners of war when the war is supposed to be over. Even now, the Government continue to restrict access for aid organisations and impose strict limits on what work they can do in the camps. Journalists are not allowed into many camps, with only the rarest of exceptions. Anyone looking at the official Government photographs of the camps could be forgiven for thinking that living conditions were of the highest standard.

I notice that the Sri Lankan high commissioner's statement said that the President had written a letter to the Tamils calling this

"an important time"

in their lives, when they were

"on the threshold of a new beginning in life."

At Auschwitz and Birkenau, people walked into the gas chambers with a letter promising them a hopeful future. I hope that what is happening in the camps does not mirror what happened in Poland. We must have immediate, open and free access for politicians and journalists in order to know that that is not the case.

Based on other reporting and inside information from the camps, a picture emerges of chronic overcrowding, fraying tents and latrines not up to the task. During late September, visiting UN Under-Secretary-General Lynn Pascoe expressed strong concern about how few of the displaced had been able to return home and the fact that the rest are detained against their will. Despite their internationally recognised right to leave the camps, they are not simply displaced; they are detained.

I know that the Minister was recently allowed access to the camps, and I look forward to his assessment of both the humanitarian conditions in the camps and the political likelihood of resettlement being allowed in line with the agreed time scale, which already seems to be slipping. President Rajapaksa has reiterated his plans to resettle 70 to 80 per cent. by the end of the year, but I think that we can all agree that that looks highly unlikely given the slow progress to date.

Mr. Pelling: The hon. Member for Mitcham and Morden (Siobhain McDonagh) said that it was important that we also discuss what sanctions and leverage we have. Again to use my constituent as a proxy to argue the Sinhalese case:

"Hasn't the British Government learnt we don't care about you? We have wealthy and powerful friends all over the world."

What leverage does the hon. Gentleman think we as a nation have over the Sri Lankan Government?

John Barrett: I think that we have economic leverage. The GSP plus has already been mentioned as one lever that can be pulled. I think that we can press at every level to ensure that both economic sanctions and pressure

can be used in all international bodies, so that people get their human rights. It is not just an argument about what might be happening to individual constituents. As has been mentioned, there are constituencies, such as mine, with very few Tamils. It is a question of international human rights.

I am sure that other hon. Members would agree with the statement of the Minister with responsibility for Africa, Asia and the UN last month that there would be no more aid for displacement camps apart from emergency funding. However, with the monsoon season fast approaching, it looks as though many civilians will face the rains in the camps. Will the Minister comment on the tents provided by the UN, which are not up to standard, unlike those provided by the Chinese Government? Tents that will withstand the rains are needed.

I will draw my remarks to a close because I want the Minister to have ample time to deal with my questions and those of other hon. Members. Although we may be able to appreciate the Sri Lankan Government's desire to identify former Tamil Tigers, who may stay in the camps, we must make it clear to them that detaining thousands of innocent people is not an acceptable way to achieve any security goal. The Sri Lankan Government may have inflicted defeat on the Tamil Tigers, but Sri Lanka is a multi-ethnic country and the Tamil population must be part of its future. The danger is that the treatment of Tamils in the camps will undermine the prospect of a long-term peaceful settlement in a country where peace has been sadly lacking.

3.41 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I welcome you to the Chair, Dr. McCrea, and I welcome the Minister to our debate. I pay tribute to the right hon. Member for Enfield, North (Joan Ryan) for securing this important and timely debate.

The events in Sri Lanka since its Government launched the final stages of their major assault have been truly appalling, as all who witnessed them would testify. It is a war marked by the ferocity of its violence and by its propaganda. I join Stephen Rapp, the US ambassador at large for war crimes issues, in calling for all humanitarian abuses by both sides to be fully and independently investigated as part of the reconciliation process. It is clear from today's debate that any investigation into the deaths and disappearances of internally displaced persons inside the camps must be full, open, transparent and internationally monitored.

There has been intense interest in this subject in the House. A look at *Hansard* reveals that there was a topical debate on 5 February, an Adjournment debate secured by the hon. Member for Mitcham and Morden (Siobhain McDonagh) on 24 March, a debate in the Chamber on 20 April and a Conservative Opposition day debate on 14 May. I can think of few conflicts in which we have had no military involvement that have prompted so much impassioned and constructive debate in the House.

Tragically, the end of hostilities has not resulted in the end of suffering. On 27 August, to mark 100 days after the end of the fighting, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the shadow Foreign Secretary, declared:

> "We have repeatedly urged the Sri Lankan government to take all possible measures to prevent further suffering by allowing UN and relief organisations full and unrestricted access to provide shelter, food, water, medicine, and to oversee the screening process. With the onset of the monsoon season, it is vital that conditions in the camps are improved as soon as possible."

That is absolutely right. We have heard appalling reports of the conditions in the camps. The shortage of water, the lack of proper tents, the lack of food and the random disappearances have been mentioned today. I agree that we need a transparent register of all those who are in the camps and unrestricted access for journalists and Opposition parties. That would go a long way towards ensuring that what is happening is transparent.

Last week, we heard from the Minister that he has had access to the camps. He has first-hand knowledge of them. A press release from the Sri Lankan Government this week stated that there were still 205,179 people in the camps. It is still a serious situation, given the situation in the camps. Will he explain what discussions he has had with the Sri Lankan Government on ending the situation?

Last Thursday, the Minister said that the Department for International Development

> "would no longer be funding aid for closed camps and that our aid would be directed towards facilitating movement from the camps."—[*Official Report*, 21 October 2009; Vol. 497, c. 895.]

We applaud that, but how will it be carried out? What help does he expect to give to displaced people who return home? Given the Sri Lankan Government's commitment to return 80 per cent. of those who are detained in the camps to their places of origin by the end of the year, that approach seems sensible. However, is it plausible? Obviously the camps should provide all the essentials of life, but steps to make them more permanent would make the goal of returning people home more difficult.

There are two clear obstacles to the return of the IDPs. The first is demining, which has been mentioned. As we have seen elsewhere in the world, demining is time-consuming and dangerous. I have discussed the matter with the Sri Lankan high commission and the difficulty of knowing where the mines are is an obstacle to the IDPs returning home. It is essential that they return to a safe and secure environment. Will the Minister go into more detail about his understanding of the timetable for demining? If it cannot be completed to a satisfactory level by the end of the year, how can 80 per cent. of the IDPs be expected to return home?

The second and equally important factor, which has not been mentioned in this debate, is the condition of the housing and infrastructure to which the IDPs will return. The scale and intensity of the fighting caused great devastation. Perhaps the Minister can shed some light on these issues. What percentage of houses are fit for habitation? What medical facilities remain? I raised with him in Question Time the hospital at Vavuniya that was bombed. What damage has been caused to water and sanitation facilities? I fully share the desire of the IDPs to return to their homes and that is fully endorsed by the diaspora in this country. However, we must be certain that they do not return to areas that lack the fundamentals of life.

I did not say that we should not use European Community trade as a lever, as some Labour Members are claiming in order to play politics. Of course we

[Mr. Geoffrey Clifton-Brown]

should use it as a lever. However, if the Government are going to support the European Union in ending trade preferences, they must explain how they will use that with the Sri Lankan Government to achieve the ends that we all want—to see the IDPs return. They must also explain how the cost of the infrastructure building will be met. It is no good Labour Members criticising me when they cannot show where the will and the means are by which this can be done.

Barry Gardiner: Will the hon. Gentleman give way?

Mr. Clifton-Brown: No, I have given way enough on this issue.

What assessment has the Minister made of the capacity of the Sri Lankan Government to afford the necessary rebuilding? If there is a shortfall, will he explain how the British Government will assist in overcoming the funding gap? Furthermore, what assessment has he made of the potential need for his Department to intervene to provide assistance when the rations and grants that the Sri Lankan Government are promising run out?

There is a huge will in this country to assist. Do the British Government support the idea of my hon. Friend the Member for Woodspring (Dr. Fox) of an internationally managed development fund to channel assistance to Tamil areas? Does the Minister agree that, through that mechanism, the Tamil diaspora around the world could offer constructive support and contribute financially to the rebuilding of their country?

What discussions has the Minister had on voter registration within and outside the camps to ensure that next year's general election and potential presidential election are free and fair and involve all sectors of society equally? That is vital to the reconciliation process. The suggestion of the hon. Member for Islington, North (Jeremy Corbyn) was sensible. As so often happens in such debates about violations of human rights around the world—which are often attended by none of the Labour Members who are present—there is complete agreement about what we want to see in these countries. One of the best ways to help human rights is to have a properly democratic society.

The final issue I would like to raise is the return of Muslims and other displaced people, which has not been mentioned today, although it touches on the remarks made by the hon. Member for Croydon, Central (Mr. Pelling). What discussions has the Minister had with the Sri Lankan Government about that issue? Some of the Muslim communities in the camps in Puttalam have been there for several decades. That is a serious issue that the Sri Lankan Government must address.

Barry Gardiner: Will the hon. Gentleman please simply clarify what the position of the Conservative Front-Bench team is? Does he think that the privileges that go with the generalised system of preferences plus should be withdrawn unless the IDP camps are dispersed?

Mr. Clifton-Brown: We have said a great deal about that already. The issue is clear. It is up to the hon. Gentleman's Government to explain in negotiations with the European Union what leverage they are going to adopt if they support the measures. It is up to the Government to do that; we, the Opposition, are merely asking questions.

The ending of hostilities has created the opportunity to improve the lives of all those innocent Sri Lankans caught up in the civil strife. While the appalling conditions continue in these camps, bitterness and division will remain. Unless a lasting reconciliation process takes place, the only result will be the return of further suffering and increased violence.

3.50 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Michael Foster): I echo the words of my hon. Friend the Member for Brent, North (Barry Gardiner) about how appropriate it is that you are in the Chair, Dr. McCrea, for this debate. I thank my right hon. Friend the Member for Enfield, North (Joan Ryan) for securing the debate, which is not only timely but incredibly well attended. I also thank colleagues from all parties for their excellent contributions and for showing the passion and deep commitment that they have to human rights and the plight of the people who are in the IDP camps.

I should like to make a few remarks that have been informed by observations made during my visit earlier this month. I will try to address as many of the questions that were put to me as I can, but given the large quantity of questions that came in a flurry from the Opposition spokesman, it may take me more than just 10 minutes to reply to them all. I will reply in writing to those points I do not deal with today.

I went to see the camps at Manik Farm and then had meetings in Colombo with Government Ministers, UN agencies, the Red Cross and non-governmental organisations. During my visit, I made it absolutely clear that the United Kingdom's priority is to secure freedom of movement for the civilians who are currently detained in the camps. I accept that that is not something that the United Kingdom alone can achieve, which is why it is so important for all donors, Governments and UN agencies to have concerted and co-ordinated advocacy with the Government of Sri Lanka. It is also important that all parties send a clear message. I do not think we have heard a clear message from all hon. Members today, and I regret that deeply.

If the Government of Sri Lanka granted freedom of movement, frankly, the humanitarian implications of the forthcoming monsoon could easily be avoided. My right hon. Friend gave a good description of the experiences of people in those camps. I can tell her that that is nothing compared with what will happen when the monsoons hit, because the locations of those camps are totally inappropriate for withstanding heavy rain—it is as simple as that.

The UN High Commissioner for Refugees has estimated that at least 70 per cent. of the civilians could find accommodation easily with host families. That is a clear indication of the potential for freeing up people from the camps. Notwithstanding the recent progress on returns, which I warmly welcome—I am genuinely grateful for the work that has been done—the hon. Member for Edinburgh, West (John Barrett) asked what the numbers were that we could talk about. The latest figures, which

are from 24 October, show that 35,822 people have been transferred to their home areas, principally in Jaffna, and that 16,490 vulnerable people have been released to institutions or host families but were unable to return to their homes. That is a total of some 52,300 people. In addition, about 3,000 people have been transferred to new closed camps. Those figures show the scale of the transfers that have taken place so far.

The Government of Sri Lanka have recently announced that 60,000 IDPs will be released in the next month. So, on top of the 30,000 who have been released since my previous visit, there is the potential for the Government to meet their 80 per cent. release within their 180-day framework. However, it is important to recognise that, even if those 60,000 are released on time, it will still leave 170,000 civilians detained in the camps. It has been more than five months since the conflict ended, which is more than enough time to screen the majority of people in those camps. Frankly, the entire population does not have to be screened before the first people are released. The freedom of movement for those who have been screened and shown not to have close links to the LTTE could have happened some time ago. That has been demonstrated by the speed of the returns that have been taking place over the past couple of weeks.

Much has been made in the debate about whether mining prevents the speedy return of people to their homes. I went to one of the minefields in the Mannar area, where the mines action group project to clear the mines, which is funded by the Department for International Development, is taking place. Mines are a real threat—we should not underestimate the scale of the mining operations—but the work that those people do and the speed at which land can be cleared gives us the confidence that there is the scope and the capacity for people to come out of those camps and go back to their towns and villages.

Last week, I announced that a further grant of £500,000 will be given to a specialist demining organisation called the HALO Trust, which is based in the constituency of my hon. Friend the Member for Dumfries and Galloway (Mr. Brown), for mine mapping and heavy mines clearance in the Mullaitivu area. Again, that will enable a speedy return for people from the camps.

Much has been said about the generalised system of preferences plus argument—much of the debate and many of the exchanges have centred around that issue. May I just put on the record what GSP plus is all about, because I think that there is a bit of a misunderstanding about the consequences of the European Union not carrying on with the process that it has embarked upon with GSP plus? The scheme incentivises and assists vulnerable economies to achieve standards in sustainable development, human rights, labour standards and good governance. Countries apply to join the scheme—it is not forced on them—and in doing so, they commit to implementing 27 UN conventions in the areas that I have just mentioned.

We treat all countries in the GSP plus scheme objectively. The integrity of the scheme demands that that takes place. Failure to maintain the integrity of the scheme has an impact not only on Sri Lanka, but on the other 14 countries that benefit from the scheme, whose people benefit from improved human rights. With all due respect to the hon. Member for Cotswold (Mr. Clifton-Brown), I think that he has just made the wrong call on this one. So the Opposition Front Bencher needs to go away and look again at the consequences of what he was suggesting would happen if the GSP plus scheme is not seen through and the integrity of the scheme is not maintained—not just for Sri Lanka, but for the 14 other countries, as I have mentioned.

Mr. Burrowes: Will the Minister give way?

Mr. Foster: I want to make a bit more progress. I have only a couple of minutes, but I will try to get through my points are quickly as I can.

It is clear that the monsoon has the potential to wreak huge damage the sanitation systems in the camps that are, at best, described as fragile. The hon. Member for Edinburgh, West spoke about the tents. Yes, they are in poor condition, because they have been up for six months under the burning sun and are rotting away under ultraviolet light. That is the consequence of having camps that have been there for far too long.

We have heard a number of exchanges today about the situation in the camps and the need to get people speedily removed from them. The key is that people should have the choice, which is why the freedom of movement from the camps is so important. If conditions are not right in the towns and villages from where people came, the choice can be exercised by the people themselves, if they so wish.

3.58 pm

Sitting suspended for a Division in the House.

4.13 pm

On resuming—

Mr. Michael Foster: This is a little like playing Manchester United—you get a couple of extra minutes when you play them.

I remind hon. Members that humanitarian funding is provided by DFID to neutral and impartial agencies and that none of its funding goes directly to the Sri Lankan Government themselves. The hon. Member for Cotswold asked what DFID was doing to facilitate movement out of the camps, and I remind him of my announcement last week of two grants: one to the International Organisation for Migration to assist with the safe and dignified transport of people from the camps in Vavuniya to their areas of origin and the other to the UN Food and Agriculture Organisation to provide three bushels of rice seeds to every one of 8,800 returning families in the west Vanni region, providing them with the wherewithal to look after themselves for at least one year. That is the right direction of our aid. I repeat what I said when I was in Sri Lanka: we will not give further humanitarian aid, barring extraordinary circumstances, to the closed camps once the monsoon season is over. It is important that that is recognised as the UK's position, and I hope that the international community will join us in agreeing that that is the direction in which to move forward.

The hon. Gentleman raised a couple of other issues. I say to him that being in government means making judgment calls and being clear where we stand on the fundamental issues, such as humanitarian needs and human rights. Preparing for government also makes

[Mr. Michael Foster]

demands on any Opposition to spell out exactly where they stand on those fundamental human rights. On the evidence of last week, repeated in today's debate, I say to the hon. Gentleman with all respect that the Conservative party has failed to measure up to that duty.

Pudsey (Transport)

4.15 pm

Mr. Paul Truswell (Pudsey) (Lab): It is a pleasure to serve for the first time under your watchful eye, Dr. McCrea. It is in the nature of Westminster Hall debates that Members take on the role of parliamentary Oliver Twists in pleading with Minsters, "Please Sir—or Madam on some occasions—can I have some more?" I regret that I do not intend to depart from that noble tradition, but I appreciate how tall an order it is in the present economic climate.

West Yorkshire has a population of 2.1 million, making it the third largest metropolitan area in England outside London. Leeds and Bradford are significant centres in their own right, and my constituency of Pudsey is positioned midway between the two. There are more than 100,000 daily commuting trips to Leeds city centre. Although the recession has led to a reduction in traffic flows, forecasts of housing and employment growth indicate that congestion will continue to worsen. Those dynamics intimately affect the communities in my constituency: they have an adverse impact on the environment, road safety and labour market accessibility for my constituents and will continue to do so unless substantial investment is made in alternatives.

Everyone has to accept that there have been substantial, real-terms increases in transport funding in the Yorkshire and Humber region under this Government, which is to be applauded. However, it remains an inescapable fact, which I hope my right hon. Friend the Minister will not attempt to contradict, that the region has missed out when compared to others. For example, the latest Treasury figures show that total transport spend per head in Yorkshire and Humber is £239, compared to £826 in London. Of course, London is the nation's capital and can be considered a special case, but Yorkshire and Humber fares less well than all other regions. For example, the north-west and the west midlands received per head £309 and £269 respectively.

It hardly requires a crystal ball to anticipate that transport will not remain unscathed in difficult future public spending decisions, but on the basis of the historical funding deficit highlighted by the Treasury figures which I have just quoted, I submit that there is a powerful argument that Yorkshire and Humber should not be further disadvantaged in comparison to other regions.

Many of my previous debates on transport, and there have been many, have focused to a great extent on bus services, so I will start by referring to them. Bus patronage across West Yorkshire is broadly stable at the moment, but the growth in concessionary travel as a result of the Government's very welcome free English concessionary travel scheme masks a decline in fare-paying passengers. The largest bus company in Leeds, First, has reduced mileage by around 5 per cent. in 2009, which is a significant figure. The company has blamed that reduction on the recession, but the local integrated transport authority, Metro, believes that two fare increases of 8 per cent. in January and July 2008 have also had a significant adverse effect on demand.

As one of those Members who have campaigned for years with a handful of colleagues, I very much welcomed the Local Transport Act 2008, which at long last provided practical powers for local authorities to introduce bus

quality contracts and protect passengers from the worst excesses of the deregulated bus system. I have said it before, will say it again and will repeat it for ever: deregulation has totally failed my constituents, just as it has failed the constituents of many other Members. Services have been chopped and changed almost at will, and where they do exist, they are often missing or late. Many of the communities in my constituency have lost their services or key transport links altogether as routes have been whittled down to a profitable core.

There is increasing concern about the large taxpayer subsidy that is paid to the bus industry for running tendered services, which I understand has increased by about £1 billion over the past five years. There is little evidence in West Yorkshire, and certainly not in my area, that we are getting true value for money, because so many of the contracts had only one tender.

Metro, like many ITAs, I suspect, will be considering whether to develop bus quality contracts as a response to the current lack of integration, and continual above-inflation fare rises and reduction in service levels. It has to be said that one of the great risks of embarking on protracted and detailed work to introduce such contracts is the stated intention of the Conservative party, often articulated by the hon. Member for Wimbledon (Stephen Hammond), to repeal the relevant provisions of the 2008 Act. It amazes me that the Conservatives continue to believe that deregulation has worked, because that view is not shared by anyone who depends on bus services in my constituency or, I suspect, the rest of the country.

Rail services play a vital role in supporting the social, environmental and economic interests of major cities such as Leeds. Over the past decade or so, Leeds and the three lines through my constituency have seen the highest rate of growth in rail commuting anywhere in the country. Unfortunately, inadequate investment in additional rail carriages has led to severe overcrowding problems on commuter services, examples of which are reported to me regularly by constituents.

As I said earlier, all is not doom and gloom, but, unfortunately, we are working from a low starting point. In my constituency, we have seen investment in new rolling stock on the Wharfedale line, where excellent 333-class rolling stock replaced 40-year-old, slam-door cast-offs from the south-eastern commuter belt. As a regular passenger, I used to marvel at the decrepit windows that were held in place by what appeared to be a type of Polyfilla. We have seen additional capacity recently on the Harrogate and Caldervale lines and, less recently, the £250 million upgrade of Leeds station and the refurbishment of all three stations in my constituency: New Pudsey, Horsforth and Guiseley. Following the Hatfield disaster, there was also substantial investment in maintenance and safety measures, which are largely invisible to passengers but essential to their safety and the service.

Metro continues development work on the Leeds rail growth package, which includes the introduction of two new rail stations at Apperley Bridge and Kirkstall Forge, the former of which will definitely serve my constituents when and if it is built. I understand that the business case for the £23 million scheme has recently been re-endorsed by the region and is due to be submitted to my right hon. Friend and his colleagues at the Department for Transport shortly. I hope that he can give me some commitment or indication that they will give it a fair wind, and that the stations will be ready to open by 2012.

All I have just described is in stark contrast to the Tory legacy, under which the first act of the original franchisee was to shed 70 or 80 drivers in order to stay within its bid. The result, of course, was the chaos of constantly cancelled services, loss of passenger confidence and patronage, and a shortage of drivers, all of which took several years and later franchisees to redress.

Rail use in West Yorkshire has, however, recovered from that crisis and has increased by 54 per cent. over the past 10 years. Peak patronage into Leeds has doubled in the past 10 years, and between 7.30 and 9 am, more than 90 per cent. of trains have standing passengers, with some trains carrying up to 200 per cent. of seated capacity. A 2008 survey found that the 17.13 Leeds to Knaresborough service, which runs on the Harrogate line through my constituency, had around 270 passengers travelling on a three-car train with only 157 seats—it often has 110 standing passengers. The train operates at around 120 per cent. of total capacity, that being DFT capacity, which also includes some standing passengers. The DFT franchise capacity for the train is 222, which includes provision for 65 people standing, so the train already exceeds that by 50 standing passengers.

There are particular concerns about overcrowding in the morning peak hour between 8 and 9 am on several routes, on which trains consistently operate at more than 90 per cent. capacity. As my right hon. Friend will know, when trains operate at more than 70 per cent. of DFT capacity, passengers have to stand to be carried on them. Harrogate line trains from Harrogate and Knaresborough through Horsforth in my constituency operate at 96 per cent. capacity on average.

My right hon. Friend will know that the current Northern Rail franchise was awarded on a no-growth basis, despite the substantial increase in passenger numbers to which I have referred. Fortunately, Metro, Northern Rail and Yorkshire Forward have worked together to secure 37 extra carriages. That is welcome, as it represents an increase of one third for the lines served, but passenger numbers have doubled, and that puts it into context. That is why overcrowding is so acute, and why a sustained increase in carriages is essential.

The 2007 rail White Paper and the high-level output specification for the railways recognised the problem in Leeds and set out proposals for investing in additional carriages. Subsequent plans, which were welcome, proposed 182 extra carriages for Northern Rail services, including some new-build diesel and electric trains. Unfortunately, following the DFT's embargo on ordering new-build diesel trains, Northern will now have to make do with substantially fewer carriages than was originally promised, and all of them, I regret, will be older-type carriages handed down from elsewhere on the network.

The Wharfedale rail users group has highlighted the concerns of passengers, but those concerns are shared across all the lines that run through my constituency. In a thoughtful submission to the Yorkshire and Humber route utilisation strategy, WRUG called for a mix of additional, retimed and longer peak-hour trains for Leeds to reduce overcrowding, for more early morning trains at weekends, for improved frequency of trains on Sundays and for simple improvements to signalling on the line to improve flexibility and reliability.

[Mr. Paul Truswell]

Unfortunately, the only improvement that was accepted—this is welcome—was the lengthening of four peak-hour trains in each direction by the addition of two coaches to increase them to six coaches, but none of the other improvements was accepted. Of course, that one is to be welcomed, and it is far better than what we inherited from the previous Government, but, as WRUG rightly says, if growth continues at even half the current level, the trains will be as crowded as ever within just a few years.

To run longer trains, the platforms between Guiseley and Ben Rhydding must be lengthened. Network Rail says that that will not happen until 2012-13. That will obviously not tackle today's overcrowding, so there is a much greater sense of urgency about what is needed.

There is also clear disappointment that the line will receive second-hand trains that do not meet modern access requirements for older people or people with disabilities. The trains will have limited space, with tip-up seats for pushchairs and bicycles, and no advanced information systems or air conditioning, which are currently enjoyed on most of the rolling stock on the Wharfedale line. While any additional carriages will be welcome, it is vital that the DFT commits more firmly to a second phase of rolling stock for Northern that includes high-quality and, dare I say it, preferably new rolling stock for the region.

I want to say a few words about Leeds Bradford airport, to which transport links are extremely poor. A recent planning application to improve and expand the terminal was opposed by many of my constituents. I stress that they are not nimbys—they accept the airport as a fact of life and moved into their houses knowing full well of its existence—but they genuinely feared that the application was a precursor to future unsustainable growth.

When the council recently privatised the airport—it was controlled by five West Yorkshire authorities—and gave up total control over its development, I anticipated that we would quickly have a debate of that kind. It is ironic that, having let the genie out of the bottle, the council is now trying to make a virtue of putting it back in. The surrounding communities—my constituents—have been badly let down by the council's having earmarked little or none of its £60 million share of the proceeds from the privatisation for any measures to mitigate the impact of the airport's operation.

The new terminal would allow the airport to cater for 5 million passengers a year. Although that level of patronage and more is projected in the airport's master plan, such growth has enormous implications for local environmental issues, including air quality, transport and road safety, as well as the broader challenge of climate change. Without a major modal shift, which will require support from the Government, the impact on local communities is likely to be substantial, since the surrounding highway network cannot absorb even present traffic levels, let alone the projected ones.

Although the airport's financial contribution to bus services is to be welcomed, that is unlikely to be sufficient to address the access problems. Setting aside land for a potential tram-train link is also welcome, but unless there is a much clearer commitment at an earlier stage from stakeholders such as the airport owners, the council and Metro—supported, I hope, by the Minister's Department—to make such a link happen, it will continue to be aspirational and will not be introduced to meet the challenges that I have mentioned.

Leeds is the largest city in the UK without a rapid transit system. The Minister will be relieved because I do not intend to mention the history of Supertram, but in the wake of the Supertram bid, Metro and Leeds city council are continuing to work in partnership to develop a high-quality rapid transit system for Leeds, known as new generation transport, which is effectively a trolleybus system. The NGT project is seeking to provide a high-quality transport system that will help to support the growth of Leeds' economy and improve the local environment by helping to tackle congestion. I hope that Leeds will, at long last, get its fair share of major infrastructure investment.

Although neither the Supertram nor the new trolleybus system bid that has been submitted would directly serve my constituency and its communities in the first instance, each would have major social, environmental and economic benefits and could eventually provide options for links through Pudsey and west Leeds to both Leeds and Bradford.

Following the submission of the major scheme business case, it is hoped that the DFT will provide a decision on whether the project will, by the end of this year, be given programme entry—perhaps the Minister can provide a bit more information on that—which I understand is the first stage in the Government's approvals process. The Minister's view on that would be appreciated.

We also need the Government to support the delivery of the city region transport strategy and give a long-term funding commitment that reverses the historic underfunding that I have mentioned. The city region has just published its refreshed 20-year city region transport strategy in line with the Government's new approach to strategic transport planning beyond 2012, incorporating the Eddington and Stern recommendations regarding the economics of transport and climate change. The strategy focuses on the current and future demands on the transport network in the city region, with particular focus on jobs and housing growth and the transition to a lower-carbon economy, which I regard as vital. The strategy defines spatial priorities and transport interventions to deliver sustainable economic growth.

I cannot apologise for being somewhat parochial in looking through the plan, because elements of it are particularly relevant to my constituency: improved rail services between Leeds and Bradford; expanded park and ride facilities in the New Pudsey area; comprehensive bus priority for the A647; new rapid transit corridors between Leeds and Bradford; possible tram-train options to the airport; the A65 quality bus corridor; and new rail stations at Kirkstall Forge and Apperley Bridge.

Westminster Hall, and Westminster as a whole, is obviously a place for special pleading. As Members of Parliament, we all want the best for our constituents and our constituencies, but I am pleading not just for Pudsey, Leeds and West Yorkshire, but for the whole region, because our social, environmental, and economic interests are so closely interconnected and have not, under the previous or current Government, been properly addressed.

4.35 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): I congratulate my hon. Friend the Member for Pudsey (Mr. Truswell) on securing this Adjournment debate. He began his excellent speech by comparing himself to a parliamentarian Oliver Twist, and although my knowledge of Dickens is not very good, I know that he is different in a number of ways. First, he keeps coming back for more—again and again—in that I think this is the fourth debate on transport in Pudsey that he has secured in the last four and a half years. Secondly, he actually gets more when he asks for it. His track record over the past few years—I will mention aspects of it during the course of my short speech—shows what an effective parliamentarian and Member of Parliament he has been.

My hon. Friend was right to say that the context of his contribution was choice. The choices are between making the investment that we have put in place over the recent period—yes, of course there should be more—and making savage cuts today, which is what other parties wishing to form a Government seek to do.

I also congratulate my hon. Friend on being an advocate for not just Pudsey, but the region as well. I hope that those who read his speech will see that he has been arguing not simply for his own back yard, but for other parts of the region, which will benefit from investment. Indeed, the country has benefited from the investment that has been secured for his region.

I agree that good transport facilities are a vital factor in the drive for more sustainable communities. My hon. Friend is right to say that transport contributes to a wide range of policy agendas, including achieving stronger and safer communities, improving the health of children and young people, promoting equality and social inclusion, improving and looking after the environment, and facilitating economic growth. When transport fails, those aspirations are put at risk, which is why he is right to keep coming back for more.

What is the importance of transport in local communities? The local transport planning process is bringing about a step change in the way in which local authorities plan strategically for transport in their areas. Each local transport plan is a vital part of the work that local authorities undertake with their stakeholders to strengthen their place-shaping role and the delivery of services to their communities. Local authorities are ultimately accountable to their communities, rather than to the Department for Transport, both for the quality of their transport strategies and for ensuring effective delivery.

This Government have shown, and will continue to show, their commitment to investment in sustainable transport in Yorkshire and Humber. My hon. Friend was fair in making that point in his speech.

The regional capital allocation for local road and transport schemes this year alone is £254 million. My hon. Friend will remember that representations were made to the Government last year to make immediate cuts to try to ensure that the deficit did not grow, but we chose not to do so. Direct DFT spending, in addition to the £254 million on road and rail in the Yorkshire and Humber region, was £636 million in 2007-08, and it has doubled in the six years from 2001-02. My hon. Friend will recall that another political party wanted us to share the proceeds of growth instead of investing in Yorkshire and Humber. I am sure that his constituents will appreciate the choice that we made.

Future planning for investment in transport must recognise the realities of building a low-carbon economy and supporting sustainable transport solutions. My right hon. Friend rightly mentioned funding for the Yorkshire and Humber region. In no period in recent times has more money been invested in that region than in the recent period. Substantial investment is going into the region, including the £771 million of funding over three years that was announced in November 2007 to invest in highway maintenance and small schemes, such as public transport projects and town centre improvements, and £47 million has been transferred within the regional funding allocation to integrated transport and maintenance for the current financial year. He is right to say that that will have an implication for residents in Leeds and West Yorkshire, and we know that bus patronage has risen. Metro's partnership investment in free city bus services for Leeds and Wakefield, and more latterly Bradford and Huddersfield, has been extremely popular and well received. The A65 quality bus corridor has received £21 million for the Kirkstall road in Leeds to speed up journey times, which will lead to even more people using buses.

I am pleased that Metro and Leeds city council are building a brand new town centre bus station at a cost of £3 million to provide new, high-quality and fully accessible facilities. It is more than just a place to catch a bus. It will enhance the town centre, make it more attractive, and provide other benefits for the community, such as 24-hour monitored CCTV and real-time departure information.

My hon. Friend referred to new generation transport. I saw in today's edition of *The Daily Telegraph* coverage of the fact that his region will put in the application to which he referred. He is right to say that we are working with Leeds and Metro to develop a high-quality bus rapid transit network for the city, involving complementary measures such as park and ride. A trolleybus has emerged as the preferred option and will be known as NGT—new generation transport. It will run mostly on the old Supertram alignments, and £250 million of funding has been set aside in the regional funding allocation for Yorkshire and Humber. My hon. Friend asked us to consider the matter swiftly when the business case has been received, and I have undertaken to do so to allow the decision to be made as soon as possible. He is right to plead for his community and to make his argument.

An important point that I want to deal with before I run out of time concerns the deregulation of buses. Let me make it clear that privatising the buses in the mid-1980s created serious adverse consequences. We want people to use buses at similar levels as back then, but it has taken us some time to achieve that. The Local Transport Act 2008 has given local authorities the necessary tools to deliver better and more integrated transport services. Under the Act, local authorities have greater local freedom and choice, with increased flexibility and powers, so that they can deliver a tailored transport system that is better suited to local needs. It gives local authorities the right mix of powers to improve the quality of local bus services, ranging from voluntary partnership schemes to quality partnership schemes through to quality contract schemes—the London-style model of bus contracts.

[Mr. Sadiq Khan]

We have seen that bus services can work well where there are good relations between bus operators and local authorities, and each is prepared to invest—the local authority in effective bus priority, traffic management and other infrastructure, and operators in offering more attractive services that the public want to use. If partnerships do not work, another tool is needed in local authorities' armoury.

My hon. Friend has made representations about, and commented on the need for, additional tools in local authorities' armoury, and I am pleased to say that the Government have consulted on draft regulations. That consultation closed on 7 October, and the responses are being considered. I hear his argument that we must respond quickly, and I expect to be able to finalise the regulations and guidance by the end of the year. Authorities such as his, which want control and another tool in their toolkit, will have that.

My hon. Friend also mentioned rail and High Speed 2. He will be aware that some parties that want to form a Government want a high-speed line from London to just Birmingham, Manchester and Leeds—and that is it. We see the benefits for regions such as his from High Speed 2 going to other parts of the country. His Regional Minister has been a powerful advocate for that, and he will be pleased to know that that Minister met my right hon. and noble Friend Lord Adonis and Sir David Rowlands, the chair of HS2, to make those representations as robustly as possible.

During his excellent speech, my hon. Friend also referred to Leeds-Bradford international airport. He was right to say that the new owners face challenges, but they have ambitious plans for growth, and that will provide local people with a greater choice of travel opportunities.

It has been difficult to respond in 10 minutes to all the excellent points that my hon. Friend made. If I have not covered any of those points, I shall write to him, but I hope that he accepts that the Government have an ambitious agenda for improving transport in not only Pudsey, but West Yorkshire and the wider Yorkshire and Humber region. We have invested in transport and will continue to do so. We will, with regional and local partners, tackle congestion, provide high-quality public transport and improve access to jobs and choice. My hon. Friend is right to continue to exert pressure on the Government, and I hope that his constituents will see some of the benefits and fruits of his lobbying, with even more investment in Pudsey and his region.

Dartford River Crossing

4.44 pm

James Brokenshire (Hornchurch) (Con): I am grateful for this opportunity to highlight the continuing delays and hold-ups experienced by many of my constituents when trying to use the Dartford river crossing. The Minister will be aware that I have been highlighting the issue for some time, and the frustrations of regular users of the crossing have not diminished during that time. Indeed, various motoring organisations have reported that congestion has increased following the introduction of the increased tolls 12 months ago.

Anyone who uses the Queen Elizabeth II bridge on a Friday night heading into Kent will confirm the miles and miles of queues, with pollution and lost income arising from the hold-ups. It is not only my constituents, or indeed the constituents whom I hope to represent after the next general election in Old Bexley and Sidcup, who recognise the issue. The Department for Transport acknowledges that there is a serious problem. Its press release of 20 April 2009 noted that the route incorporating the Dartford river crossing

"is one of the routes with the highest levels of delays nationally and this level of service is experienced by around 40 to 45 per cent. of Crossing users."

According to the Department, nearly half of all motorists experience delays at the crossing, and the cost is significant at around £40 million a year.

What is the cause? One might think that the worsening delays are caused by increasing traffic, but that is wrong. In the year ended March 2009, just over 51.5 million vehicles used the crossing, which was around 1.5 million fewer than the previous year, with an average of 141,500 movements a day—the lowest for a decade. If increased vehicle movements are not the problem, what is the cause? The answer is simple—the tolls, and the toll plaza arrangement.

Ministers have argued consistently—the Minister may do so this afternoon—that the purpose of the crossing tolls is to manage congestion. The reality is that they have been maximising congestion. The Department for Transport commissioned a study by consultants, Parsons Brinckerhoff, which was released earlier this year. They investigated the causes of the delays, and noted that the toll plaza lay-out was the primary constraint on vehicles using the crossing. It is right and proper that longer-term capacity across the Thames is examined—I shall come to that—but in the light of decreasing vehicle numbers using the Dartford crossing and increasing delays, the most pressing need is to examine options to maximise efficient use of the crossing.

Mr. David Evennett (Bexleyheath and Crayford) (Con): My hon. Friend is making a powerful case. He will understand that there is real anger and concern in my constituency about the recent developments with tolling at the Dartford crossing, which he highlighted. Does he agree that residents believe that the Government have let them down by not dealing robustly and consistently with the matter earlier?

James Brokenshire: My hon. Friend has championed the cause several times, and I appreciate how strongly he feels about it. There are relevant factors for his

constituents, including, for example, unavailability of the discount scheme to Bexley residents. I will come to that, as well as to the general issues of delays and congestion. We do not want the tunnels to become a glorified underground car park, or the bridge to become an aerial sightseeing spot for hours on end. Sadly, that has become the reality for motorists, as the Department for Transport's studies show. That is why I welcome the current "better use" review of the crossing.

In a letter to me dated 25 September 2009, the Minister confirmed that the Department was considering two options as part of that review. The first scenario would maintain the two toll plazas, but seek to increase the use of newer technology and new plaza lay-outs. The second option could see the removal of the southbound charges with the installation of a larger northbound plaza through a redesigned lay-out, located in such a way that issues of weaving on the approach to the northbound tunnels could be addressed.

As the Minister is probably aware, I am rather sceptical about the requirement for charges at all. Therefore, the potential for at least the charges across the bridge into Kent being lifted is certainly welcome. I look forward to hearing more from him on that issue.

However, we are told that the better use review and, indeed, the wider review will take approximately 18 months to conclude. Can the Minister confirm when he expects the review to report to him? If it recommends that the southbound toll charges can be withdrawn safely—I appreciate the need to focus on safety issues and the fact that any changes should not add to problems or cause increased dangers to motorists—when can hard-pressed motorists expect any changes to the arrangements to be implemented?

Given the clear recognition by the Department of the congestion and delays, I urge the Minister to speed up the review, so that we can take some positive steps to speed up the traffic generally. If there is a way of decoupling the better use review from the wider aspects of the review of capacity more generally, I urge him to take that option. I appreciate that there may be arguments about the interconnectivity between the two, but as he will recognise, the clear indication from his own Department is that the problems that motorists are experiencing require that the issue of short-term capacity and better use of the existing crossing be expedited, so that motorists can see that there is some prospect of improvement taking place in the near term.

Let me move on to the wider review. Will the Minister provide an update on work on the lower Thames crossing capacity study? The initial report was released in January, setting out a number of potential options, some of which had significant environmental sensitivities attached to them. There has been no new information released since the initial capacity study, or detail as to whether the options explored comprise a potential bridge, a tunnel or both. Will the Minister explain what the milestones are in taking that programme forward and when he expects to present more detailed options for consultation? A number of stakeholders, including local residents and other groups, are keen to understand how the process is intended to move forward and how they can become involved in it as it progresses.

In looking to the future, we come to the issue of the Government's most recent announcement about the Dartford crossing. In the past few weeks, we have had the news that the Government plan to sell off the crossing to raise about £3 billion in total, as part of the wider package of potential asset sales that they have said they are considering. It is clear that some value or price range has been put on the crossing to reach the headline figure of £3 billion. I appreciate that the Minister may feel constrained in sharing the Treasury's valuation with us this afternoon, but he can share the assumptions made in estimating that indicative amount.

What level of charges has been assumed? How many vehicle movements have been allowed for? What assumptions have been made on investment in new technology for administering the tolls? Over what period was the income stream from the tolls allowed for? Most particularly, does the valuation take account of the outcome of the better use review? Clearly, if toll charges into Kent were scrapped, that would have an impact on the financial modelling. I am concerned about whether the Department has determined the outcome of the review in advance, even before the report has landed on Ministers' desks. The Minister needs to give a clear and unequivocal answer this afternoon that any proposed sale will not fetter the implementation of the recommendations of the better use study as and when it reports.

In addition, what assurances can the Minister give that, if the crossing were sold off, charges would not be ramped up by a private sector owner, as part of a deal with the Treasury to maximise the capital value, but only through the exploitation of motorists for years to come? Then there is the issue of the level of charges. The crossing generates about £50 million of income for the Department for Transport each year. The Government took away the ring-fenced investment in local transport projects. That was about 12 months ago. Therefore, there is absolutely no guarantee that any of the moneys raised by the tolls will be spent on transport infrastructure in the vicinity of the bridge.

It is quite unusual, in a congestion management concept, that the money is not reinvested in public transport or other mechanisms that would see people using different routes in order to reduce congestion. In London, the congestion charge is used to fund bus services and other means of public transport in order to reduce reliance on the car. It is interesting to note that that does not apply to the Dartford river crossing. The historical justification was that the money would pay for the cost of the bridge—the cost of the building and of maintenance. That no longer applies, so there are continued questions about what the justification is if it is not congestion management, for the reasons that I have highlighted. The Government need to consider the whole issue of the charges that are being applied. The hon. Member for Thurrock (Andrew Mackinlay) is not present at this debate, but he has raised the legality of the charges overall. It would be interesting to hear whether the Minister has any views on the rationale and justification for retaining the charges.

What the Government have done, though, is to create a scheme for residents living in the areas of Thurrock and Dartford councils to receive discounts for using the crossing. It would be interesting to hear from the Minister how successful that has been. What has the take-up been? How many residents have sought to apply for one of the permits?

[James Brokenshire]

Equally, it would be interesting to hear the latest information on take-up of the DART-Tag. Previously, the DART-Tag had a facility whereby there were dedicated lanes, but with the introduction of the new toll charges, the dedicated lanes were scrapped, so what might have been seen as one benefit of having the DART-Tag—being able to speed through the toll plaza—was removed, albeit registering for a DART-Tag gives people certain benefits in the form of discounts. However, it would be interesting to drill down on the local discount scheme. How many people have registered? How much money have residents in those areas saved by registering for the discounts since the scheme was introduced?

More generally, there is the basic issue of the scheme's fairness. This is a relevant issue for people living in the vicinity of the crossing. Someone can be living nearly 13 miles away from the bridge in Thurrock and receive the benefit of the discount scheme, yet if someone is a resident of Wennington village in Havering, which is in my constituency, or of Crayford in Bexley—in the constituency of my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett)—and therefore lives much closer, the discount scheme simply does not apply. That appears to residents of my constituency and, I am sure, of my hon. Friend's constituency as perverse and unfair.

It would be possible to operate a scheme based on post codes within a certain geographical area around the crossing. That could be administered. I appreciate that there is a need to consider something that is practical and does not create a new burdensome bureaucracy, but at least that approach would be more equitable and logical. It would certainly be fairer. Therefore, will the Minister commit at least to a review of the discount arrangements, based on the experience that he will have received information about in the past 12 months, so that those basic issues of fairness can be addressed?

Anyone who uses the Dartford crossing regularly will appreciate the sheer frustration of being stuck in miles and miles of jams. The Department for Transport needs to get on with its review of the need for additional road capacity across the Thames and, in particular, better use of the existing crossing. The current tolling arrangements appear—motoring organisations suggest this as well—to be adding to the delays and congestion, and motorists certainly should not be seen as a soft target.

I therefore trust that the Minister will assure us that his Department is committed to measures that will help to beat the queues, such as scrapping the tolls into Kent. I trust also that he will help drivers who are driven to distraction by delays and that he will help businesses to keep on moving in these times of continuing recession. The crossing and those who use it should not be seen merely as a cash cow for the Treasury.

5 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I congratulate the hon. Member for Hornchurch (James Brokenshire) on securing this debate. The Dartford crossing is a heavily used piece of the strategic road network, with about 150,000 vehicles using it every day. The crossing brings huge benefits to users. After the construction of the M25, the crossing became a key part of the strategic road network, and the Government decided to promote the construction of the Queen Elizabeth II bridge. A concession was let for the building of the bridge, which opened in October 1991. Under the concession, tolls were charged to pay for building costs.

The substantial growth of traffic that we saw in the 1990s had two effects. First, it increased the revenue collected—thus the bridge would be paid for sooner than might have been expected. Secondly, and more significantly, it raised concerns about what might happen if the tolls were removed. A study in 2001 indicated that, without a charge, traffic would increase by 17 per cent. Against that background, we replaced the tolls with a charge. The hon. Gentleman spoke of increased delays, but the response to recent parliamentary questions shows that delays of more than 15 minutes have remained relatively stable over the past year or so.

The Transport Act 2000 requires that revenues from charging schemes are invested in transport. Revenues come directly to the Department for Transport, not the Treasury, and add to what is available for investment in transport projects across the country. That includes projects of direct benefit to users of the crossing, such as enhancements to the trunk road network on either side of it.

Given the prospect of increasing traffic, we were keen to target the charge better. In our 2006 consultation, we proposed removing all charges between the hours of 10 pm and 6 am, when traffic is lightest, and to increase the charge for cars to £1.50. We also proposed allowing those opting to pay using an electronic DART-Tag to continue to cross for the old £1 cash rate. Electronic payment has two advantages: it is more convenient, and it saves time at the barriers. I assure the hon. Gentleman that the figures that I have seen suggest that, since the introduction of the revised charging rate, the take-up of the DART-Tag is increasing monthly.

As a result of the 2006 consultation, a substantial number of representations were made in favour of discounts for local residents. We agreed to work up a local resident discount scheme, so that the people most affected would be included. The changes were introduced in November 2008. Some 20,000 local residents accounts can be added to the generality of DART-Tag accounts, which number 87,000.

I shall now address some of the arguments most often raised about the Dartford crossing. The one that I hear most often—to an extent, the hon. Gentleman repeated it—is that the barriers cause the congestion and that, if we were to take them away, the queues would disappear. The evidence suggests that the real problem is the volume of traffic and that, even if the toll plazas were removed, there would still be queues. The crossing was designed to handle up to 135,000 vehicle movements each day, but it is not uncommon for there to be 160,000 vehicle movements.

The crossing is a bottleneck. Not only is traffic coming from the M25, but traffic going northbound from Kent and south-east London joins the M25 traffic, and there are some busy local junctions. The tunnels are a particular problem, and the barriers fulfil an important traffic management function. Not to have them could have significant safety implications. Removing the charge

and taking the barriers away altogether is not the answer. It would be irresponsible, and would have a negative impact on people's safety.

James Brokenshire: I recognise what the Minister says about toll charging being a means of controlling traffic going into the two tunnels and about the road lay-out, the weaving of traffic and the safety implications that may exist in such circumstances. His arguments are predicated on the increased traffic of the 2001 study to which he referred, yet experience over the past 10 years shows that traffic has declined. The average is now at its lowest for 10 years. Will he reflect on his comments in the light of reducing traffic, particularly—sadly so given the recession—given that we are likely to see a further reduction? The question of tolls is less relevant in relation to the bridge, as I am sure that he will agree.

Chris Mole: I am not sure that the hon. Gentleman is right about the overall quantum of traffic. In evidence to the Transport Committee recently, we set out our view of the trends: we accept that there has been some decline as a result of the economic downturn, but anticipate that we will return to continued growth.

Another argument that we often hear is that people have no choice about the journeys that they make and that the charge therefore makes no difference. The evidence does not bear that out. Since removing the night time charges, we have noticed that some journeys are being made earlier. We also noticed higher traffic levels when local retail centres were running promotions. That implies that there is some discretion about the journeys that people make. The real problem is too much demand and not enough capacity.

In recognition of the increasing growth in demand, the then Minister of State, Department for Transport, my hon. Friend the Member for South Thanet (Dr. Ladyman) announced that the Department for Transport would embark on a study to consider the long-term capacity issues at the crossing and to look at possible options for addressing rising demand. In April 2009, the Department published its initial analysis of current and possible future capacity constraints at the crossing, to which the hon. Gentleman referred. That analysis brought together the most recent information on the current performance of the crossing. It also provided forecasts of its future performance. That gives us the best evidence base for assessing what needs to be done.

The Government are clear about the fact that we need to address both the short and medium-term issues faced by our national transport networks. We must plan for the transport network that we want for the future. Based on findings and conclusions of that analysis, we announced in April that further work should be undertaken to investigate what can be done in the short to medium term to improve the service provided by the existing crossing. We recognise that options for improvements in the short term may be limited by physical constraints at the existing crossing. However, we consider that more could be done to improve users' crossing experience.

As for making better use of the crossing, our recent study recommended further work on two possible scenarios. It recognised that each had the potential to generate some benefits by increasing throughput, while avoiding an impact on safety. The first scenario would maintain the two toll plazas but would seek to increase their efficiency by using newer technology and new plaza layo-uts. The second scenario proposed the removal of the southbound charges and the installation of a larger northbound plaza in a redesigned lay-out, located in such a way that the weaving of traffic on the approach to the northbound tunnels could be addressed.

The initial study also considered major infrastructure options that would provide additional capacity, and it produced a high-level assessment of their impact. The three options for a new crossing identified in the study are at the site of the existing crossing, between the Swanscombe peninsula and the A1089, and from the east of Tilbury to the east of Gravesend and the M20. We intend to consider the merits of the better-use options, as well as the options identified for the provision of possible additional crossing capacity. There are some clear synergies in the work involved, particularly in the assessment of benefits and impacts.

The hon. Gentleman has urged the Government to ensure that the consideration and implementation of a one-way tolling regime should be completed as soon as possible and should not depend on the timing of any consideration of the case for additional crossing capacity. It is not possible to divorce those two pieces of work as suggested—indeed, he made some of my argument for me, particularly on the possible sale of the bridge—given the linkages between them and the need to derive the most suitable combination of options. We need to understand the implications of one-way tolling, but we expect work to consider making better use of the crossing to take between 12 and 18 months. We therefore expect the review to be finalised in mid to late 2010. If there are opportunities to implement measures safely, we will of course do so, but we will need to understand the potential costs and benefits of any proposals.

Finally, to be clear about the potential sale of the crossing, it was announced in the 2009 Budget that further work to assess future capacity requirements for the Dartford crossing would be undertaken with a view to bringing forward proposals to realise value by the Budget of 2010.

On 12 October, the Prime Minister announced the Government's plans for the sale of assets over the next period. Included in the list of assets to be sold was the Dartford crossing. The Department is currently considering the various commercialisation options for the existing crossing and funding for any additional capacity in the future. The options are being considered alongside the initial analysis of the further capacity options, and the exact nature of any concession sale will be influenced by the outcome of that study.

The options currently being considered include letting a long-term concession to operate and maintain the current crossing, letting a concession for the period prior to new capacity being constructed, letting a concession with the option to add new capacity as required and letting a concession incorporating the design, build, finance and operations of a new crossing. Any option will need to support the crossing's long-term capability as part of the strategic road network.

In a parliamentary answer to the hon. Gentleman, the Minister of State, Department for Transport, my right hon. Friend the Member for Tooting (Mr. Khan), said:

"No estimate of the saleable value of the Dartford River Crossing has been made. Any such valuation would depend on the nature of any commercial agreements for a sale, including, but

[Chris Mole]

not exclusively), the length of those arrangements, the level of future charges and forecast future traffic volumes. The assumptions made around those issues are the same as those which would be made for normal business planning purposes."—[*Official Report*, 21 October 2009; Vol. 497, c. 1444W.]

Given the monopolistic nature of the Dartford crossing, the charging regime under any concession will need to be set within a contractual framework to protect users. As a result, charges will be set at a level that is appropriate for both users and any potential concession owner, and that will be consistent with economic efficiency and the Government's policy objectives for managing congestion.

The Department plans to provide initial views from its analysis of capacity options in early 2010 and the timing of the necessary further steps needed to reach final conclusions on the provision of additional capacity.

Question put and agreed to.

5.12 pm

Sitting adjourned.

Westminster Hall

Thursday 29 October 2009

[Sir Nicholas Winterton *in the Chair*]

Oil and Gas

[Relevant documents: First Report from the Energy and Climate Change Committee, on UK Offshore Oil and Gas, HC 341-I, and the Government response, HC 1010.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Steve McCabe.)*

2.30 pm

Paddy Tipping (Sherwood) (Lab): I am delighted to speak about the first report of the Energy and Climate Change Committee. As the first report of this new Select Committee, it is the first bit of work that we have undertaken, and we now have a 100 per cent. record: we have produced a report and are having a debate about it in Westminster Hall.

Perhaps I could just say a few words about the Select Committee's inquiry. It involved three public evidence sessions in March, one of which was held in Aberdeen. I believe that there is a strong desire across the House for Select Committees to get out and about and take evidence elsewhere. We had a range of witnesses: the Oil and Gas Independents Association, the Royal Society for the Protection of Birds, Professor Alexander Kemp, who also acted as an adviser to the Committee, the trade association Oil and Gas UK, and the Minister of State, Department of Health, my Friend the right hon. and learned Member for North Warwickshire (Mr. O'Brien), who was then the Minister for Energy and E-Commerce, and his officials. In Aberdeen, the Committee had a breakfast meeting hosted by the Scottish Council for Development and Industry that brought together more than 50 individuals who work in the oil and gas sector and related businesses, and we visited Subsea UK—the trade body that represents those who work in the subsea supply chain.

The Select Committee's report, which was unanimous—there was a lively discussion around its conclusion—was published on 30 June. Perhaps I could highlight briefly some of the issues that are contained in it. The Select Committee believes that we must move to a low-carbon economy, and that we must decarbonise our generating industry. At the same time, there is practical acknowledgment that the UK continental shelf will continue to provide oil and gas resources for a long time. It is vital, therefore, that we make best use of those resources.

We live in a difficult time for the economy and the environment. There are real concerns about the future of our energy policy. In broad terms, the Government's energy policy depends on three pillars: first, the need to combat climate change; secondly, affordable products for consumers; and thirdly, security of supply. It is security of supply that I want to turn to first.

The UK has traditionally been a net exporter of gas and oil, but the situation has changed and is continuing to change rapidly. Last year, in 2008-09, 40 per cent. of our gas was imported, and figures from the Department of Energy and Climate Change suggest that 60 per cent. of the UK's gas needs could be met from imports by 2020. That is a remarkable change-around from being a net exporter of gas.

The situation is highlighted and put into profile by the difficulties with the transmission and export of gas. The Minister will have followed the dispute between Russia and Ukraine about the transport of gas, which was an issue primarily for Ukraine but one that affected major economies in western Europe. I am interested in the gas industry in Russia. Gazprom is a good company in many respects, but people who have dealings with it and the Russian economy are concerned about the transparency and openness of the gas market there. To be so heavily dependent on gas from abroad, particularly from Russia, may not be a wise way forward.

Of course, Gazprom always tells me that the majority of its product goes to the west. However, there is a ready market to the east as well, so Russia is not dependent on the market in western Europe.

Simon Hughes (North Southwark and Bermondsey) (LD): I appreciate that this debate is about UK offshore oil and gas, but the hon. Gentleman rightly puts the subject in the context of the wider European and global oil and gas industry. Did his Committee form the view during its inquiry that it would be in the interests of the UK, as well as more widely, that there is a much more clearly integrated European energy policy to give the continent, as well as the UK, security of supply?

Paddy Tipping: Those of us who believe in the benefits of the European Union believe that that issue comes high up the agenda. The Committee came to no formal decision about it, but we hope to visit Brussels soon to discuss that exact point, among others. If we had a more transparent gas market across Europe, for which many of us have argued for a long time—that has been the Commission's position for as long as I can remember, and it has been promised for at least a decade—we could make some progress.

The notion of European direction on a European market and transmission system makes a great deal of sense long-term for Europe and particularly for the UK. But of course, one thing that makes it so significant is that, because we have reserves in the North sea, the gas storage facilities here in the UK have been limited. Again, using the Department's own figures, there is storage for 13 days' supply of gas in the UK, compared with 99 in Germany and 122 in France.

There is recognition that more needs to be done. There are a number of planning applications in for new projects of this kind, but some are facing real difficulty and real objections. Faced with a heavy winter, there are concerns, which are shared across the industry, that the present storage capacity is not sufficient. Therefore, being able to extract more, more quickly from the UK's own reserves makes a great deal of sense. The Prime Minister's own adviser, in the Wicks report, has just looked at this issue. I suspect that there has been far too little discussion about the importance of security of supply, compared to climate change, but that is a real, pressing issue. I say gently to the Minister and the Secretary of State that, if the lights go off in the UK, it will not be the chief executive of E.ON UK, Paul Golby, who is called to account, but the Minister and his officials.

Charles Hendry (Wealden) (Con): The Minister will be long gone by then.

Paddy Tipping: Yes, he would be in the firing line. He is coping well with his new tasks, but let me bring this point to the forefront of his mind.

The second issue that we must take into account, which the Committee considered, is the importance of gas and oil revenues in the UK. The industry employs about 350,000 people, so it is a significant employer, particularly in the Aberdeen area. The industry acknowledges and predicts tough times ahead over the next two years: there is a suggestion that 14 per cent. of those jobs could be lost in that time. There is an argument for moving people away from working in the oil and gas industry into offshore renewables and carbon capture and storage; but ultimately, we need to acknowledge the importance of the industry for our economy.

As I have said, oil and gas production is declining. It peaked in 1999 and is declining by about 5 per cent. annually. There are various estimates of the amount of oil and gas remaining, ranging from around 11 billion to 37 billion barrels of oil equivalent. That is a marked gap. The Government—the Department—take a mid-term estimate, which might be a sensible way of going forward. A lot of the discussion about future extraction depends, of course, on the price of oil and gas. But it would make sense to try to have further, more detailed and precise estimates on the way forward.

The Select Committee commented that the industry faces a

"quadruple whammy"—

taking a phrase from your party, Sir Nicholas—

"of high costs, low prices, lack of affordable credit and a global recession."

So we need to be clear that the industry faces a tough time.

Sir Nicholas Winterton (in the Chair): Order. Just for accuracy, in the Chair, I have no political party: I am entirely unbiased, and I listen with an open mind and open ears to everything that is said.

Paddy Tipping: I know that to be the case, Sir Nicholas. I have heard you make comments, in the Chair and elsewhere, about various parties, including your own. That reflects a lack of partisanship.

The industry acknowledges that there are real problems and says that, by 2010, 50,000 jobs could disappear. So, for the industry, the issue of credit is live and important. Some banks—a limited number—are prepared to invest for the future, but the sector faces a tough time for credit, as does all industry.

There was a long discussion in the Select Committee about the measures in the 2009 Budget, and we received a lot of evidence about it, particularly about a new initiative called the field allowance, which was generally welcomed, to allow the development of and extraction from new fields. But the Select Committee's view is that that does not go far enough. It is early days for that initiative, which concentrates on new development. We need to consider carefully making best use of and maximising the resources from existing, established oil fields. The field allowance does not do that, and there is no agreement across the sector that the major area left for development west of Shetland will be brought forward by the use of field allowances.

The area west of Shetland is an important resource that provides 20 per cent. of our future needs. It is important that there is a strategic view on how we can get into that field, discover oil—discoveries are being made—and bring it back. The Government have a role to play in this. This takes us to the heart of the argument on small government and big government. We have intervened in a big way in the bank sector. The Government will have to think through carefully what their role is in respect of the oil and gas sector and how far they will play a more interventionist, positive role.

We received evidence on the environment. Many environmental organisations are, to put it bluntly, giving the oil and gas industry a bad press, but the record on the ground or out at sea is not bad. The big companies are keen to meet their environmental responsibilities. The industry feels that it has done a lot, but it is an area that needs careful consideration.

Finally, the Select Committee was interested in the development of carbon capture and storage, which the Government are also interested in and making progress on. However, although they describe themselves as a world leader in that regard, I am not sure whether that is so. The notion that we can capture carbon from coal-fired power stations and sequestrate it into former oil fields is good for the coal industry and could be good for the oil and gas industry. The Government are committed to going forward on this issue. Currently, there is a competition to try to identify four pilots for demonstration projects. However, I say gently to the Minister that, at the moment, this appears to be a competition without a finishing line and that the finishing line has been moved on a number of occasions.

If the Government want to make a proud claim that they are a world leader, they need to match their rhetoric with reality. It will be good for the oil industry if we can do that and good for my area, too. Perhaps I can make a local point. Harworth colliery in Nottinghamshire is presently mothballed, and it will take £200 million to access new coal reserves there. UK Coal is confident that it can do it, but is finding it difficult in the present financial climate to raise money from the market. There is a discussion with the European Investment Bank about making that money available. A number of hurdles have been jumped; but ultimately, the EIB is asking whether the coal can be burned more cleanly. At present, there is nowhere in the UK where coal can be burned using clean technology or carbon capture and sequestration. Although there is rhetoric on carbon capture and storage, many of us believe that much more needs to be done much more quickly.

Despite criticisms, the Government responded favourably to the report, and produced their response on 16 October. They welcomed it, and I shall pick up one or two points from their response. They accepted that we must maximise resources from existing gas and oil fields and said that they would work with the industry to produce

"a more effective performance framework…which would focus on more accountable measures, or a basket of measures."

Will the Minister tell us today what that basket of measures might be? There is agreement in principle on the way forward, but it is incumbent on the Government to state clearly for the oil and gas industry how it might go forward.

The Government also said, to my surprise, that complaints from the oil and gas industry about difficulties with their banking facilities and raising capital for new development

"do not seem to differ significantly from"

other parts of the economy. In fairness, people in Aberdeen could argue that the Government have provided major aid in a variety of ways to the car industry. They have some responsibility, given that oil and gas are strategic assets, to consider carefully how more readily available finance could be found for the industry to move into the future. A few of us of a more radical hue find it hard to understand why, as a major shareholder in banks, the Chancellor cannot influence better behaviour. Shareholders can argue for changes, and I am not convinced that we are using the leverage that we undoubtedly have to produce better results.

A further area of discussion is the notion of using a common infrastructure and common pipes when developing oil and gas fields, and it makes sense to use commonality of infrastructure whenever possible. There have been difficulties with companies agreeing to that, but there is a structure for forcing that through. The Government possess reserve powers, but they have never been used. In their response, the Government state that they are

"working with the industry, through improving guidance...and through other initiatives, to strengthen the voluntary arrangements".

The Committee and I, and particularly the industry, would be interested to know what steps the Government intend to take.

Taxation and the introduction of field allowances have been an issue. I have acknowledged that these are early days for seeing how that develops, but the Government have said that they

"will continue to review the effectiveness of the field allowance".

There may be an opportunity for the Minister to make a lengthy reply, and again it would be helpful if he used that opportunity. He will say that it is a matter for the Treasury, not for him, but I am keen to know what representations the Department is making to the Treasury.

I turn to the marine environment. You will know, Sir Nicholas, as will hon. Members in the Chamber, that this week the House agreed radical and landmark legislation in the Marine and Coastal Access Bill. The Minister's Parliamentary Private Secretary has been involved in that, and it gave us the opportunity to consider the marine environment in detail. Extraction west of Shetland will, by definition, produce major environmental issues that must be considered carefully. The Government have a lot of information, as have the oil companies, and a lot of survey work has been done; but ultimately, in the light of the new legislation, the Government should practice what they preach and consider a comprehensive study of environmental factors and constraints west of Shetland if we are to balance economic growth and environmental protection. It is important to have the best possible knowledge.

I welcome the work that my Committee colleagues have done and the evidence that was provided by our witnesses. I also welcome the Government's response; but ultimately, our long-term interest is to ensure that the UK really does have security of supply. The Government must treat the matter extremely seriously, acknowledge the problem and discuss the way forward. As always with the energy industry, there is a view that the Government's rhetoric and good intent must be matched with real action. The report sets out some steps for real action. The Government are on the road, and I hope that they will look closely at the recommendations, work with the industry and ensure that we maximise the reserves that are left for us and our children.

Several hon. Members *rose—*

Sir Nicholas Winterton (in the Chair): Order. I intend to call the Minister last, and he will be preceded by Her Majesty's Opposition spokesman, who will be preceded by the hon. Member for North Southwark and Bermondsey (Simon Hughes). I will also call other hon. Members who catch my eye.

Simon Hughes: On a point of order, Sir Nicholas. Following that indication, will you reconsider and give permission for the Minister to speak next, because the Government have given their response, and then to speak at the end of the debate, with your leave and that of the House? It might be helpful for colleagues to hear the Minister's response, so that they may then respond. We have seen the Government's written response to the report and I think that there would be time for the Minister, as well as the Committee Chairman, to wind up.

Sir Nicholas Winterton (in the Chair): I do not believe that that suggestion has ever been made to me during all the years that I have been a member of the Chairmen's Panel, but I am happy to work with the House on this matter. If hon. Members believe that it would be helpful for the Minster to speak next, I will be happy to call him, if he is prepared to speak.

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney) *indicated assent.*

Sir Nicholas Winterton (in the Chair): Given the number of hon. Members present, it may be possible, with the permission of the House, for the Minster to speak again at the end. We can be flexible in the Chamber to meet the requirements of hon. Members who are participating in the debate.

2.59 pm

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I am pleased to follow my hon. Friend the Member for Sherwood (Paddy Tipping), who is so ably now chairing the Select Committee. I enjoyed reading its report on UK offshore oil and gas, and I am glad that the Chamber has the opportunity to debate it, and to highlight the huge contribution that the North sea and the oil and gas industry make to UK energy needs and our economy.

The oil and gas industry in the UK is one of our most important and impressive industries. Since the beginning of offshore development four decades ago, we have seen a sequence of major, often unprecedented engineering projects, requiring huge investments and repeatedly groundbreaking innovation. I pay tribute to the enterprise and commitment of the companies and individuals who have made that possible.

We cannot forget the courage of those who work in this very hostile environment. Indeed, some have tragically lost their lives in the pursuit of exploring for and

[Mr. David Kidney]

producing this vital national resource. The oil industry does not always receive the attention that it deserves. As we enter a new era of energy developments in the UK, in which the skills, enterprise and commitment of the oil and gas industry will surely find new application, we should be proud of it and take full note of what it has already achieved.

As the Select Committee recognises, even though indigenous production is declining, UK oil and gas remain the major constituent of the UK energy mix. They currently provide for about two thirds of the nation's primary energy needs. By 2020, it is likely that well over half our energy use will still be fuelled by oil and gas, half of which might be from UK production.

Supporting about 450,000 jobs—including those that rely on the industry—and with annual expenditure of about £10 billion, the UK oil and gas industry makes a massive contribution to our economy. Indeed, there is no doubt about the industry's world-class credentials. Its reputation for meeting the challenges from harsh operating conditions and coming up with workable solutions to continuing technological challenges sets it apart as one of the most dynamic and successful industries in the world.

The North sea still offers many very good investment opportunities and it is important to all of us that those are encouraged, not deterred. Looking at reserves, we have, as my hon. Friend the Member for Sherwood said, about 20 billion barrels of oil equivalent, or perhaps more, remaining to be produced. A key Government aim is to ensure that the UK realises the full value of its oil and gas resources.

We have a clear strategy to maximise the benefits to the UK of our hydrocarbon resources. Working closely with the industry, we are seeking more exploration and new developments; we are seeking to get the best value from existing acreage and existing developments; and we are keeping the fiscal regime under review to ensure that it provides the right incentives for continuing investment.

I want to say something about new exploration and development. We continue to hold regular offshore licensing rounds, with the aim of making as much acreage available as possible for new exploration. We have taken a number of steps in recent years to offer more flexibility in licensing to attract the widest possible range of players. For example, we introduced the promote licence, at one 10th of the cost of a traditional licence, to allow smaller investors to get involved. There is also the frontier licence—covering areas such as west of Shetland—which initially offers a larger amount of acreage and so gives licensees a better chance during the appraisal process to identify exploration potential in those areas, where the geology is less well known and not so clearly defined.

All those initiatives have led to significant renewed interest in the North sea in recent years. In fact, recent licensing rounds have been some of the most successful ever. In the 24th round, we awarded 150 licences to 104 companies. Our 25th round offered a record-breaking 2,297 blocks or part-blocks for exploration, and received a record number of applications. As a result, late last year we were able to offer for award the highest number of licences ever—171 new licences to 99 companies, covering 257 blocks. I can confirm that work is being taken forward so that we should be in a position to announce a new, 26th round in January.

The industry has, of course, felt the effects of the financial crisis, and I will say something later about those effects and our response to them. In addition, the rollercoaster of rising and falling oil prices has impacted on some investment decisions and on the pace of development. However, the past few months have seen more financing activity, and a number of relatively big North sea projects are in prospect. That said, we are not taking anything for granted. We continue to monitor exploration levels. They fell in the first half of the year, but I am glad to say that there has been a significant recovery in the third quarter, when 27 new wells were started, compared with 29 in the first half.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): How many of those wells were exploration wells?

Mr. Kidney: I shall have to come back to the hon. Gentleman in a moment with the figure, but I know the point that he is making: that exploration is key and numbers are down. I am prepared to accept that point, but on the figure, I hope that he will allow me to come back to him in a while. We intend to maintain momentum by launching, as I mentioned, a 26th offshore licensing round next January.

I want to deal directly with the issue of the area west of Shetland. We are working with the industry to bring forward development west of Shetland, where about 15 per cent. of remaining UK reserves are thought to lie. It is vital that we unlock the gas potential west of Shetland, and a timetable has been established. As my predecessor mentioned in evidence to the Select Committee, Total has commissioned basic engineering studies in respect of development of the Laggan and Tormore fields, with capacity for further fields in that area. The participants are moving towards a decision on development in 2010, which we expect will be followed by a development plan submitted to DECC.

The area west of Shetland has been extensively surveyed in one of the largest and most comprehensive marine surveys undertaken for the offshore oil and gas industry. That work has been updated and extended by subsequent work carried out for the Department within the strategic environmental assessment framework. Future work will seek to ensure that appropriate environmental data for that area are kept up to date.

Simon Hughes: I am not an expert on this issue; my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) is an expert on it, as is our friend Tavish Scott, our party leader in Scotland. However, I understand that one of the issues rightfully preoccupying people in Shetland in particular and Scotland in general is that some of the explorations or the potential supply might be just within or just outside our territorial waters. Will the Minister tell us whether any discussions are already taking place with the Faroese authorities, which are the other side of the line, so that there are efficiencies of scale and intelligent conversations about maximising the benefit to everyone of any exploration going on currently west of Shetland?

Mr. Kidney: There certainly is work to be done in the area that the hon. Gentleman mentions. On the specific point about discussions with other authorities, I need again to take advice and perhaps I shall be able to come back to him on that point in a moment. It is a good one and I certainly endorse what he says about the expert knowledge of the hon. Member for Orkney and Shetland (Mr. Carmichael).

Mr. Mike Weir (Angus) (SNP): Before the Minister moves on from discussing the area west of Shetland, I want to point out that one that the Select Committee came across was that many of the finds west of Shetland are much smaller than traditional North sea finds, and there is huge concern about the infrastructure needed for smaller companies to develop those. Will the Minister tell us whether there have been any discussions on that? He mentioned Total and the studies in that respect. Has there been any discussion with the smaller companies about how they might join in and how to ensure that they have the infrastructure to develop smaller fields?

Mr. Kidney: The hon. Gentleman raises two issues. One is the viability of constructing new infrastructure, based on projections of what returns might be had from the development. The other issue is the access of smaller players to that infrastructure if they are involved. If I may, I shall come later to what I can say on access to infrastructure. Clearly, the discussions that we have with the potential collaborators in the development include the first of those points—the viability of the scheme and what it will take for it to be viable. I am sure that the hon. Gentleman appreciates that we have such discussions with the proposed developers all the time.

I want to move on to the issue of making the most of existing licensed areas and developments. We continue our drive to identify and carefully scrutinise fallow acreage and discoveries. Where it is clear that no work plans exist, licensees are encouraged to relinquish the licence, so that such acreage can be made available again via our licensing rounds. That allows others the chance to bid for such acreage and exploit it.

We have also taken action with industry to improve oil and gas recovery from existing brown fields. We have a rolling programme and we meet all the North sea field operators regularly to consider fields' performance and to help to identify ways in which long-term production levels might be increased. Taking a regular look at older producing fields, a number of operators have successfully increased production levels through refreshed seismic and geological interpretation, additional drilling, further investment in platform facilities and the use of new technologies.

With production levels declining overall, it is important that the industry considers how enhanced oil recovery techniques might improve overall recovery from North sea fields. The potential exists to tap more than 1 billion extra barrels using enhanced oil recovery. The Energy Minister, Lord Hunt, chaired a session on the subject with a number of key operators in Aberdeen. It proved a very useful discussion, bringing a sharper focus to some of the key challenges and stimulating ideas for overcoming some of the obstacles.

For example, it was agreed that enhanced oil recovery can be more difficult for mature fields and that issues exist around project economics and the availability of injection fluid. It was also recognised that research is needed into ways to reduce the cost and weight of facilities upgrades and to promote low-cost methods and collaborative pilots to share costs. My Department is now working closely with the industry to take forward the subjects that were discussed.

On access to existing infrastructure, we are promoting new action to facilitate fair and reasonable access. In particular, my officials have embarked on a series of one-to-one meetings with the directors of companies that own and operate North sea pipelines and infrastructure. The key aim is to ensure that smaller players with development options can get access to infrastructure within reasonable time scales and on fair terms. I recognise that that is a long-standing issue for the industry and that responsibility for a successful outcome lies largely on the industry's shoulders. Of course, an industry code of practice and guidance from the Secretary of State provide a framework for decision making, but we continue to make it clear that the Government would be prepared to intervene in a case if stalemate were reached between an infrastructure owner and the operator of a development that required access.

Sir Robert Smith: Although the long-stop exists for companies to challenge something through that formal process, that has never actually happened. An optimist might say that that is because everything is going so swimmingly that it is not necessary, but the feedback from those trying to get access is that people are reticent to go to a formal process. In January 2009, the Minister wrote to companies to engage on the issue, but is there any feedback on how that engagement is going?

Mr. Kidney: Obviously, I did not write that letter, because I was not a Minister in January—the hon. Gentleman will no doubt say that that is a shame. The one-to-one meetings are a result of the engagement that began with those letters and they are continuing. We are keen to ensure that the industry understands exactly how the Secretary of State would respond if asked to use his powers. The hon. Gentleman and my hon. Friend the Member for Sherwood are absolutely right that no one has yet asked him to exercise his powers, and we all understand the pressures that mean that people would not want to ask. Nevertheless, we have those powers.

The Secretary of State's previous guidance was quite helpful in terms of the charging activities of those who give access to infrastructure. If new obstacles are arising, we will be happy to look at ways of ensuring that people understand how the Secretary of State would approach the issue. At the moment, however, the meetings are going extremely well, and a further understanding between us and the industry may emerge as a result. I hope that that is helpful to the hon. Gentleman. We hope that, as a result of our frank discussions with infrastructure owners, the industry can use the code of practice principles to ensure that nobody needs to come to the Secretary of State, but we stand ready if somebody does.

For the common good of maximising all our reserves, it is vital that smaller developments within the economic reach of existing pipelines are not stranded because they cannot obtain access, and we will be keeping a close eye on progress to ensure that that does not happen.

Mr. Weir: I am not entirely clear about how we have moved on. In the evidence before us, the small operators and Oil and Gas UK acknowledge that the existing

[Mr. Mike Weir]

system—discussion with each other, with the long-stop of approaching the Government, as the hon. Member for West Aberdeenshire and Kincardine said—is not working satisfactorily. What difference will the new system make? The independents suggest that we should go as far as legislation for common carriers. There seems to be a huge gap, and I am not entirely clear from what the Minister has said what progress has been made.

Mr. Kidney: Let me make it clear to the hon. Gentleman that we are not proposing further legislation at this point. The discussions that we are having on the basis of the code of practice and the Secretary of State's guidance—perhaps with an opportunity to update in 2010—will be sufficient. If somebody wants the clarification of a decision by the Secretary of State, we will very much welcome their asking for such a decision. No one has come forward yet, but if they do, we will welcome the opportunity to give a ruling, which would then set a precedent for the entire industry. Unfortunately, that has not happened so far. The discussions that I have described, and the potential for updating the Secretary of State's guidance, are where we are in the process.

I was asked a little while ago about taxation. My predecessor was quite robust with the Committee on this issue and was not going to talk about it when he came to give evidence. However, I have specifically cleared the text that I am about to deliver with the Treasury, so I will be speaking with one voice with my colleagues there. Of course, taxation policy is a matter for Treasury Ministers, but the Committee will be aware that the Chancellor this year introduced a new field allowance—the consultation document called it a value allowance, and some people still use that term, but it is the same thing—to encourage smaller or more technically challenging fields to be brought into production.

The Chancellor himself visited a North sea installation—Shearwater—earlier this month, so he is well aware that conditions in the North sea are constantly evolving and that we have to ask ourselves whether the tax regime is right. He thinks, and I think, that it is important that the Government and industry work together on these issues. Stakeholders discuss a number of specific issues arising from the Budget 2009 package with DECC and Treasury Ministers and officials. Those discussions are ongoing and help to inform Government thinking. I can assure hon. Members that the Government will keep the North sea fiscal regime under review and monitor the impact on activity in the North sea of the package of changes introduced at Budget 2009. If there is a case for further change to the regime to meet our objective of maximising economic production from the North sea, the Government will be prepared to act. I hope that that is a helpful response to the request from my hon. Friend the Member for Sherwood.

We continue to work with the industry through PILOT—the joint Government and industry oil and gas forum—to secure the long-term future of the UK continental shelf. At the next PILOT meeting, in November, we will challenge industry to take a long-term look at the province and to come forward with new ideas, which could add renewed emphasis to maintaining investment and ensuring that we exploit UK resources to the full.

Simon Hughes: This is just a reflection really. When, as a result of pressure, the Government varied the incentive for people to invest in the renewables industry, people were fairly sceptical about whether that would meet the concern that people were not investing. However, it produced quite a significant positive response, and I compliment the Government on that. I am sure that colleagues from Scotland will make this point more strongly than me, but let me say that it does not take much Government fiscal encouragement to produce the investment response that people are calling for. I hope that the Treasury understands that, that it is sympathetic to such calls and that it will respond to them in the months between now and the general election.

Mr. Kidney: The hon. Gentleman should spit it out: the Government's action was a success, and if we tell the Treasury, officials there might be all the more willing to talk positively in the way that he indicates. That is a good point for us all to make. I have just recalled that the answer to the question about the number of exploration wells in the third quarter of the year was seven, as against nine in the whole of the first half, which fits with the picture of things picking up.

I want to deal with the environment. A comprehensive framework of environmental protection measures has been developed to minimise the impact of oil and gas activities. That is embodied in bespoke oil and gas legislation, consistent with and in large part derived from the legislative framework of the European Community. All activities that could have an impact on the environment are subject to rigorous assessment, and significant activities are controlled through the issue of permits, consents or approvals. There is also an inspection and enforcement regime in place to confirm compliance with the conditions included in the environmental approvals. That robust regime is reflected by the industry's performance and the UK has a good environmental record. I noted, in reading the Committee's report, that although suggestions had been put to it about non-compliance with conditions on environmental matters, the Committee found the industry to have a good record. I am grateful that it came to that conclusion.

The Chairman also raised carbon capture and storage, which is something in which I, too, am interested. Looking further ahead, we believe that carbon capture and storage will be one of the key technologies that will help the UK to meet its carbon reduction targets. The North sea has the potential to store more than 100 years' worth of UK power station CO_2 emissions. Many in the oil and gas industry will have the knowledge and expertise to help us to realise that potential. However, the industry is keen, among other things, to get a clear regulatory regime for CCS. Last month my Department issued a formal consultation on how we propose to license the storage of CO_2. We are keen to have comments from industry and stakeholders by the end of the year, so that we can move forward with the formulation of the regulations.

The significance of a competitive and competent supply chain to the success of an oil basin is often underestimated. Indeed by far the greater part of the 450,000 jobs supported by the UK oil and gas industry is provided by the contracting community, and it is vital that the Government should maintain a close relationship across that sector. DECC, as the Department responsible for delivering energy policies, has a key role to play in

promoting a successful upstream oil and gas supply industry. The fact that many areas of specialist support are provided by other Departments and agencies can create complexity, so it is important that DECC should maintain close links with industry to provide additional guidance when required. That is achieved either directly with companies, or via regional or sector trade associations, many of which it was instrumental in establishing.

A good example is Subsea UK, which was set up five years ago with initial core funding from DECC when, along with industry representatives, it recognised the enormous growth potential in the subsea sector, both in the continental shelf and the broader international market. Subsea UK is now well established and is helping to grow opportunities for its 200-plus member companies and to secure a good share of the rapidly expanding global market, which is set to expand by a further 50 per cent. in the next five years. The current sectoral focus for DECC is now on offshore decommissioning, where funding is being provided to help to create a new trade body to foster UK capability and to assist indigenous companies to win a share of that work, which will be worth billions of pounds over the next few decades.

The UK oil and gas supply sector has been a great success story, from the early days of the industry when American companies and personnel dominated and carried out much of the work to the present day when UK expertise is recognised and sought after in almost every oil-producing province in the world. The challenge will be to anchor that expertise in the UK and to ensure that we still have a significant oil industry well beyond the life of the UKCS. Currently the overseas oil and gas supply market is worth around £5 billion a year, with the potential to grow fourfold in the next 25 years. DECC and its partner UKTI will continue to work closely with the sector to help it to achieve that ambition. I alluded earlier to my being a fairly new Minister in the post. I am about to arrange my first ministerial visit to Aberdeen to see for myself the work that is now going on.

The debate comes at an important point in the development of our offshore oil and gas resources. The industry faces a key challenge to achieve full economic recovery in a phase of inevitable decline in production levels and in the size of the remaining prospects. The financial crisis and the volatility of oil prices have magnified that challenge. The Committee's inquiry into this vital industry has therefore been timely, and we welcome its constructive recommendations. I assure hon. Members that the Government are fully committed to playing their part, through continued close working with the industry, to ensure that offshore oil and gas continue to contribute as much as possible to energy security, investment and employment in the UK, and, not least, to the vital transition to a low-carbon future, which matters so much to us and the whole world.

Sir Nicholas Winterton (in the Chair): I am hoping, subject to time, that we shall be able, with Members' permission, to call the Minister to reply to the points that they raise in the remainder of the debate.

3.25 pm

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Perhaps as a member of the Procedure Committee, I should write to myself to see how today's procedure has unfolded, and whether any lessons can be learned for future Westminster Hall debates.

I welcome the fact that the report has come before the House today. The hon. Member for Sherwood (Paddy Tipping), in introducing the report and the Committee's findings, put the case that the Committee had found for the industry's needs. It was the Committee's first inquiry, and it was welcome that it shone the spotlight on such an important industry.

I declare my entries in the Register of Members' Interests, as a shareholder in Shell and as someone who recently visited a carbon capture and storage pilot project in France, funded by Total. Of course, my main interest is a constituency one, however, as my constituency is just outside Aberdeen, in the north-east of Scotland, where the heart of the industry is based—although not the whole of it; it is UK-wide. The jobs that we speak of affect the whole of the UK.

I pay tribute to the history of the industry, and its contribution to our security of supply and balance of payments. It has benefited our climate change agenda. This country met its Kyoto commitments because of the lower carbon outputs from gas generation, and could well meet its future climate change commitments if, as has been talked about, carbon capture and storage is further developed. The industry has made a phenomenal contribution to the country's tax revenues, and I am sure that the Treasury is aware of that, and does not need the Minister to remind it. As we have said, there has also been a massive contribution in the form of jobs. The Minister rightly paid tribute to the sacrifice that has been made, because the industry operates in an extremely hostile and dangerous environment, and lives have been lost over the years in making sure that this country has benefited from the resource.

The nature of the oil and gas industry will always lock Government and the private sector together, because the resource under the ground belongs to the nation and for the nation to benefit from it we need the private sector to use its skills and initiative to get it out of the ground. That inevitably means a far closer link between Government and industry than there is in many other sectors of the economy. I pay tribute to PILOT for its work in bringing together the industry, the Department and the wider Government in dialogue to build a common purpose for the benefit of society.

To deal now with the recommendations of the Committee, I think that the fiscal regime is still at the heart of the effort to unlock that full potential. The Minister may not be a Treasury Minister, but the Department's crucial role is to make sure that the Treasury understands how much it needs to engage, if the Department is to achieve its full objectives on security of supply and promoting the industry in this investment climate. There has been a welcome improvement in that engagement, through the field allowance discussions, but the Treasury still shows too much caution at this time in the life cycle of the North sea. Understandably, the phrase "a dead weight" is brought up. To explain to the layman, if the Treasury gives a tax incentive that encourages an activity that would have happened without the incentive, it will lose out. However, the Treasury needs to recognise that this time, given the maturity of the North sea, the age of its pipelines and platforms, and the costs of investment, if there is a real downturn in the North sea and we lose that core infrastructure, it will not come back.

[Sir Robert Smith]

During past downturns, there have been enough large fields to tempt people back, so the Treasury could err on the side of caution in respect of the dead weight argument: it could afford to be cautious about incentives because it knew that if it got it wrong it could up the incentive and bring people back. However, at this time in the North sea, in the context of the downturn in the world economy, when the North sea is hitting maturity and there is an expensive operating environment and much smaller fields with which to compete for global investment, in the dialogue that the Treasury says it will continue with the industry, it needs to work fairly quickly to ensure that it maximises the incentives. There may be a bit of loss of future tax revenue because the Treasury has incentivised something that was going to happen, but a more important outcome will be if, globally, we still have a sustainable industry and are still maximising recovery from the North sea.

Mr. Weir: Is it not also true that if we are to have a future in carbon capture and storage it is vital that existing infrastructure continues to be invested in, so that it is available for that future work? If it is not, we may not be able to do carbon capture and storage.

Sir Robert Smith: That is a valuable point. The pace of progress that we are making towards carbon capture and storage means that it is important to keep that infrastructure there for some time—there have been several postponements on the route to CCS. The Treasury must recognise that it has a very targeted regime—it is high-temperature and high-pressure. All the experts say that it is going to incentivise just one field in the whole of the UK continental shelf.

Ensuring that the existing platforms—the existing hubs—get incremental development has been mentioned. The enhanced oil recovery talks are welcome, but one of the quickest ways to enhance oil recovery for a platform is to get new wells drilled from that platform. The Treasury needs to consider how it can incentivise that extra development in those platforms. If the big platforms and the pipelines that connect them are decommissioned early, the small fields lying around them will no longer be worth exploiting.

The west of Shetland has already been discussed. What the Minister needs to take away today is the fact that the decision points are coming up on that project, at a time when the gas price for the industry is extremely low. A bold investment decision is required on the gas price going up between the point when the decision is made and when the gas is needed. Every encouragement, therefore, is needed for the west of Shetland. That encouragement is psychological, because if the province were unlocked more fully, that would send a positive message about the vibrancy of the UK continental shelf, and support the supply chain that would still be there for the more incremental developments in the remaining part of the North sea.

One of our recommendations that the Minister did not touch on was the acceleration of payment of tax allowances to try to deal with the bank cash-flow crisis. The hon. Member for Sherwood made the valid point that, although the Government replied that they have a global strategy for dealing with the banking crisis—that is a recognisable part of the strategy—in the car sector, it was not just left to the banks to sort out the sector's problem. A lever has been identified by the industry, which the Government could use in that industry, which is important both for employment and strategically. The Minister should take back to the Treasury the need to look again at that matter, to ensure that it is doing everything it can to overcome the cash-flow crisis, which is stifling potential developments. He should take back the message to the Treasury, "No shocks in the pre-Budget report this November". Again, stability is the watchword for getting investment into the industry.

We have the pipes and platforms, but if other investors coming into the North sea cannot access them, we are not getting the benefit. It could be said that we might not start from here and that we do not have the regime we need for now. The regime started off all right with big players coming in. People thought that the North sea had a short life cycle, and did not see the need to build in some of that infrastructure. The Gulf of Mexico has a much more effective regime for handling access to infrastructure, and the Department may need to dangle even more tough talk about how it will come back to the issue to incentivise the owners of that infrastructure, so that they see that it is in their interest to unlock it efficiently to small players, rather than have the Government come in and do that for them.

The wider public need to understand that, at this point in the life cycle of the North sea, it is smaller, new companies that are bringing in that investment opportunity, and the innovation and excitement to unlock the smaller finds. However, they will not keep coming here if they keep hearing stories about how the person ahead of them in the queue got everything else lined up, but when it came to getting the stuff ashore could not find a practical way to do it, even though it looked as though there was an obvious solution there. Unless we can unlock the infrastructure and ensure fair and effective access to it, we will lose out again.

We have already touched on the environment, and the recognition of the industry's good work. The Government's response to recommendation 17 was that they had written to the statutory nature conservation bodies to see if there were any concerns. Has the Minister had any replies from those bodies?

We have also touched on carbon capture and storage, and the important contribution the North sea can make in that field. It was frustrating seeing the Miller field project nearly come to fruition, and then see a competition launched to replace that project, with the competition deadlines and rules shifting. Will the Minister assure us emphatically that this competition will meet its deadline, and that people who make the effort to put in tenders will get a positive and quick response? We will not be the world leaders in this industry unless we get started on making the industry possible. As the hon. Member for Sherwood said, we have so much to play for in this country. We have that storage resource in the North sea, the carbon sources in the coal, oil and gas that we can still produce, and the innovation, skills and technology in the industry. A regime to effectively unlock that full potential and deliver that green agenda is needed.

The other welcome part of the report is the spotlight we put in the last recommendation on the export potential of the industry. I look forward to the Minister's visit to Aberdeen, because he will see a physical sign of what we have been talking about. He will see a vibrant, go-ahead,

goal-setting, high-tech industry, which is a major manufacturing base and a major source of new technology and export earnings for the United Kingdom, anchored in the north-east of Scotland, because of what has happened in the North sea. Departments have been restructured, and energy has moved from DTI to DBERR and BIS, and now to DECC. DECC obviously focuses on the environment and climate change, but will the Minister reassure me that it still has just as vibrant a role as spokesman for the industry as a major employer and exporter?

I welcome the Committee's report and the spotlight that it puts on an often unsung hero of the UK economy and a major contributor to our country's well-being. The Government and industry are for ever inevitably locked together in an attempt to make the best of those resources. Any oil and gas left in the ground does not pay tax, does not support jobs and does not contribute to our security of supply. The North sea is a great success story, but a lot remains to be achieved.

3.40 pm

Mr. Mike Weir (Angus) (SNP): I agree about the importance of the oil and gas industry to the economy, particularly in the north-east of Scotland. The House will not be surprised at the fairly strong Scottish input to this debate from me and my parliamentary neighbour, my hon. Friend the Member for West Aberdeenshire and Kincardine (Sir Robert Smith).

The oil and gas industry has been hugely important to the economy of the north-east of Scotland for the last 40 years. As a student who went to Aberdeen university in the early 1970s, I have seen also the social implications of the industry over those years. The oil industry has provided a great deal of money and employment in the area, but that comes with human consequences, as has been noted. That was brought home to me when I attended a memorial service at the Kirk of St. Nicholas in Aberdeen for those who lost their lives in the helicopter crash in the early part of the year. It showed the huge dangers that those employed in offshore oil and gas face in their day-to-day work. Indeed, during the course of our investigations, members of the Committee visited a gas rig off the Humber to see for life there for ourselves.

As we have heard, this is the first report from a new Committee. It is significant that we chose to focus on the oil and gas industry, which is important to all for the reasons already given. We say in the introduction to the report that

"It is vitally important swiftly to decarbonise the UK economy if the country is to meet its obligations to tackle climate change, and clearly the use of fossil fuels must diminish. But within the timescale for these changes to take place, the UK will still need to use the oil and gas resources remaining in the UK continental shelf."

I come at this possibly from a different angle from other Members here today in that I would like to see the word "Scotland" rather than "UK" in there. None the less, the sentiment is the same. We are moving towards decarbonising our economy, but it will take time. We have huge resources, but they must be used to the best advantage.

The Secretary of State appeared before the Committee yesterday, and he too made the point that we are in a state of transition as we work towards a low-carbon economy. He is perfectly correct. The existence of oil and gas off our shores puts us in an enviable position in some respects, in that we have a cushion during the transition. However, it also presents us with a big challenge. So many people are employed in the oil and gas sector that we need to manage the transition carefully, ensuring that the skills developed in the North sea are retained and transferred into new jobs in that new economy. We have been presented with the real challenge of ensuring that carbon jobs are transferred into green jobs—a subject to which I shall return.

The importance of the oil and gas industry to the economy cannot be overstated. As we note in the report, more than 38 billion barrels of oil equivalent have been produced over the last 40 years, and the UK remains 13th in world rankings for combined oil and gas production—I hope that the Minister is not superstitious. The industry body Oil and Gas UK told us that

"the industry is the most significant contributor to this country's security of energy supply, today providing 70 per cent. of our primary energy needs."

That again illustrates the importance of ensuring that the industry functions properly and that we get the maximum from our oil reserves.

It is also abundantly clear from the Committee's report that a considerable amount of oil and gas remains within our waters. Witnesses estimate that it is anything between 11 billion and 37 billion barrels of oil equivalent. As the hon. Member for Sherwood (Paddy Tipping) said, that is a wide variance. I appreciate that the Department of Energy and Climate Change will take the median figure, but by any account a great deal is still there. Whether it is recoverable will depend on many factors, some of which are detailed in the report. It will also depend on the prevailing price of oil, and whether some of the smaller finds are economic.

The oil and gas industry will clearly remain an important aspect of energy policy and energy security in the years ahead. We said in the report that

"The Government is right to focus on security of energy supply as a key challenge for the UK. Much of the UK's current electricity generating capacity is set to close over the next decade, and there is a continuing risk of disruption to energy supplies internationally as a result of political and economic turbulence. In this context the importance of domestically produced oil and gas is obvious and the case for Government doing all it can to help maximise economic production is compelling."

I do not think that anyone would disagree with that.

The industry is most concerned about the tax aspects. I noted the papal bull read out by the Minister, but it told us next to nothing. I spoke with several representatives of the oil industry at a recent CBI reception. What they most want from the pre-Budget report is no nasty surprises. I hope that the Minister can at least assure us of that. *[Interruption.]* I take it from the Minister's smile that the answer is no. To be scrupulously fair, however, the CBI representatives said that they had had a good engagement with the Chancellor when he visited Aberdeen recently to speak to the industry.

The Minister has made it clear that he cannot say too much about taxation. Frustrating though that is, we all understand why. However, he spoke of the difficulties in respect of development west of Shetland. New thinking may be necessary if development is to go ahead on a major scale. It became clear during the course of our investigations that there are serious concerns, and not only about taxation. We say in the report that the

[Mr. Mike Weir]

current field allowance is inadequate, especially when trying to encourage development in the difficult terrain west of Shetland. I urge the Minister to consider with his departmental colleagues and the Treasury what more can be done to ensure proper fiscal incentives, so that the industry can continue to develop west of Shetland.

The Committee also pointed out the twin difficulty that many in the industry are finding in arranging finance. The hon. Member for Sherwood said that few banks were operating in that area. However, I recall being told that only one of the major banks—Lloyds HBOS, or Lloyds banking group as it now is—operated in the North sea, but that it was not keen on making new investments. The result is that companies already operating in the North sea can obtain finance, but that new entrants to the market are finding it extremely difficult. Indeed, the Oil and Gas Independents Association has said that the bank was not lending to new operators. We also noted that many of the major companies were reviewing budgets in light of the recession and that they were taking a most conservative approach.

The then Minister of State said in evidence that the major oil companies were unlikely to be affected. That may be true, but as has been pointed out, many of the companies operating west of Shetland and in the more marginal parts of the existing North sea fields are smaller companies, and they are feeling the chill winds of the credit crisis and finding it difficult to obtain the necessary finance. Indeed, at least one small company went bankrupt as we were starting our report. I recall receiving a massive number of e-mails on the reasons for that, but it was linked to the difficulty of getting credit to allow the company to continue working in the North sea.

Finance is very important, and I again urge the Minister to push his colleagues to take up the matter with the banks. The matter was addressed, to some extent, in the Government's response. It states:

"The Government has introduced a range of general measures to support the financial sector and encourage lending to businesses, including the recapitalisation of the banks and the introduction of the Asset Protection Scheme. These measures are supporting access to finance for all sectors of the economy, including the oil and gas sector. To date, the difficulties reported by oil and gas companies do not seem to differ significantly from those encountered by other sectors, but the situation is kept under review and the Government will consider the case for more specific measures in the light of emerging information."

To be blunt, that strikes me as slightly complacent. There is ample evidence from those we spoke to in our report that there is a serious difficulty here. The BPs and Shells of this world probably do not have a finance problem to the same extent, but the small companies do, and it is the small companies that hold the key to development not only west of Shetland but in the more marginal parts of the existing mature basin of the North sea. Many of the companies find that, along with difficulties in finance, they face steadily rising costs. Much of the reason for that is outwith Government control; it is about the availability of particular rigs and the difficulties after hurricanes in the Gulf of Mexico with rigs being sent there and such like. We were told that someone was paying £400,000 a day for a drilling rig, which, by any calculation, is a fantastic sum of money to operate in the North sea.

Sir Robert Smith: What is causing consternation is that people are still being quoted the same price even in the downturn. It may be that the rig market needs looking at to see how it operates and whether it feels through the benefits of the downturn, by which I mean the cost structure.

Mr. Weir: That is a very good point. From the evidence, it seems that much of the difficulty stemmed from hurricane Katrina and other hurricanes in the Gulf of Mexico. Huge damage was done to the infrastructure, which will take a long time to rebuild. None the less, it is fair to say that there is a serious difficulty with cost.

The Minister and others have already spoken about infrastructure, but we questioned many witnesses about the infrastructure difficulties with regard to exploitation, particularly for smaller companies. There is a great deal of infrastructure in the North sea, most of which is owned by the major oil companies. If we are to have any chance of maximising extraction from the more marginal fields within the area, we need to have a system that allows smaller operators access to that infrastructure. That was an issue on which there was some agreement between the independents and the large suppliers. The Oil and Gas Independents Association told us that

"increasingly, we are finding smaller accumulations in the North Sea, and they cannot support their own dedicated infrastructure, so they have to be able to tie them back to existing infrastructure, which has to be there. Ultimately, it drives exploration. If you are expecting to find relatively modest pools, you have to know there is an efficient way of getting it to the shore."

As the report states:

"The Association has serious concerns about the operation of the industry's Code of Practice relating to infrastructure access, which they believe is hampering their ability to operate."

It is fair to say that there is a difference of opinion on that point between the independents and the large operators. Even the majors conceded in evidence to us that that part of the code had not been working particularly well.

As I pointed out in an intervention, that issue comes into sharp relief when considering the future exploitation of the resources west of Shetland. We are told that there is considerable potential there, but many were very cautious about the viability of much of that. Clearly, the hostile and difficult environment was an important factor, but one of the principal factors was the high cost of production and the lack of infrastructure and the cost of providing it.

We took a great deal of evidence on infrastructure. Again, there were clear differences between the smaller players and the major companies. Oil and Gas UK made the fair point that it was difficult to see how a common carrier system could be funded because it would be a disincentive to the first in the field if that company had to meet the upfront costs with no guarantee of payback, and it was unlikely that the Government would want to fund the system. Inevitably, it suggested that the Government might have to look at the fiscal incentives.

In the Gulf of Mexico, there is a common carrier arrangement, which shows that such arrangements can work in a basin such as that, so the Government must look more closely at the idea. Although I appreciate that there are enormous difficulties with this issue, it is a nettle that we need to grasp. We are all agreed that exploitation of the resources west of Shetland is important

for our energy security, and it should not be put at risk by a lack of agreement on the infrastructure necessary to exploit it. Again, I urge the Minister to consider that issue and engage with both the major and smaller companies to establish a system that will ensure that we can exploit those important resources.

I listened carefully to what the Minister said about infrastructure, but I am afraid that I struggled to understand the difference between what is now being done and what has been done in the recent past. It seems to me that there has been discussion between everybody, but no real movement forward.

Again, as I mentioned in an intervention, if we are considering carbon capture and storage, it is vital that we sort out the problem of infrastructure. Much of the infrastructure in the North sea is now fairly old. It needs to be maintained, which is expensive. There is a real danger that, unless there is agreement about how the infrastructure will be used in the future and how it will be used for carbon capture and storage, it will simply no longer be maintained or it will be decommissioned. That will undermine our efforts to capture carbon and store it for our own climate change reasons and to create many new jobs in north-east Scotland.

As I said earlier, I represent a constituency in the north-east of Scotland, which, in the past, has benefited from the presence of North sea oil—not perhaps to the extent of my parliamentary neighbour, the hon. Member for West Aberdeenshire and Kincardine. None the less, it has had a significant influence. Many of my constituents have worked, and continue to work, in the oil industry. Their employment illustrates how the industry has evolved and changed over the years. Many of them had originally worked in the North sea, but now they could just as easily work in any area of the world. Indeed, I have recently met constituents who work in Ivory Coast, Nigeria, Kazakhstan, Norway and many other countries. The skills developed in the North sea have allowed an industry to develop that can export skills to other areas of the world, and that bodes well for employment in north-east Scotland, as oil and gas reserves inevitably wind down. We must look to the export of skills in the industry in the future.

Another point we touched on was the future, as we move away from oil and gas. We must consider diversification because, however much we may regret it, oil and gas are, inevitably, finite resources, and they will go down over the years.

We have touched on carbon capture and storage, which is obviously very important. I do not want to go over the whole story of the Peterhead project yet again, but that was a missed opportunity for the Government. The project, which was ready to go, linked our power station with an offshore installation. It was a great tragedy that, due to dithering on the part of the Government, it did not go ahead. I understand that it is now going ahead in Abu Dhabi. The project could have given us a world lead in this technology. However, there are other projects, particularly Scottish Power's proposal to link into the Longannet power station in Fife, which could then link into the North sea.

As others have stated, the continuing delays on the carbon capture and storage competition are causing a great deal of concern. The hon. Member for Sherwood put it very well when he said that it was a contest without a finishing line. Far from being world leaders in carbon capture and storage, we could end up lagging behind everyone else.

Along with the hon. Member for West Aberdeenshire and Kincardine, I visited the Total plant in the south of France. I suppose that I should declare that in the Register of Members' Interests and I should also declare an interest as vice-president of the all-party oil and gas group within the House. That visit demonstrated to us that others are now pushing forward and developing carbon capture and storage. There are various different types of CCS. The ones concerning the North sea are particularly interesting for Scotland and the UK, but there are others coming up, and we have to ensure that we are not left behind in that important technology. It is not just about carbon capture and storage. Other renewables are now being placed offshore, in particular wind farms. The Crown Estate recently announced the grant of exclusive rights for the development of wind farms around the coast, including two off the coast of my own constituency, at Inchcape and Bell Rock. That offers a huge potential for green jobs and for those skills that have been developed in the North sea oil and gas industries. Many wind farms will be built in areas where the oil and gas industry has operated for the last 40 years, and many of those skills will be needed.

In previous years, the port of Montrose in my constituency had a considerable oil and gas business, although that has wound down to some extent. It is looking to take advantage of the potential for the construction and subsequent maintenance of the wind farms. That is good for the future. There is a future for oil and gas, both immediately and through diversification in the long term. However, Government action is needed to ensure that the fiscal regime is correct, that continuing development is encouraged and, crucially, that the infrastructure remains for the new industries and that a new infrastructure is developed. We must ensure that we get the maximum possible from west of Shetland.

4.1 pm

Simon Hughes (North Southwark and Bermondsey) (LD): Like other colleagues, I welcome this significant report. It is the first report from the Committee on Energy and Climate Change, and I thank the hon. Member for Sherwood (Paddy Tipping) and his colleagues for the work that they have done. It is a solid piece of work. We have not yet heard from the hon. Member for Wealden (Charles Hendry), who speaks for the Conservative party, but as he also served on the Select Committee, I doubt whether he will have changed his views.

There is a consensus: we sing from the same song sheet about what the priorities for the offshore oil and gas industry are in the UK. I hope that those who take an interest or work within the industry are aware of the attention that the House gives to these matters. We salute the contribution that those people have made to the UK economy, not only now but over the past decades. We salute their vision and innovation, and the bravery that they have shown—and continue to show—in doing work that is often very difficult.

As a London MP, I can say not only that the industry is significant in places such as Aberdeenshire or Angus, but that there are probably people in all our constituencies who work within it in one way or another. Last year, I

[Simon Hughes]

was on a Thameslink platform at Blackfriars station very early one morning. I was going on a sad mission to the funeral of our late lamented colleague, Russell Johnston, in Inverness cathedral. The Thameslink train was delayed, which made the chance of catching the plane to get to Inverness slightly more precarious—as it happened, it just arrived in time to make the connection. On the platform, people were talking to each other, even though it was early in the morning. I was talking to and sharing my concern with someone who commuted once a week from the east end of London to Aberdeenshire to work in the industry. He came from London but was of Asian extraction, and he had made that journey for years. Even though he and his family were based in London, he had just as much of a commitment to the industry as people in the north-east of Scotland. This is a UK enterprise and we should recognise that.

I pay tribute to my hon. Friends who, as one would expect, have taken a huge interest in and greatly supported the industry over the years. My hon. Friend the Member for West Aberdeenshire and Kincardine (Sir Robert Smith) is an eminent member of the Energy and Climate Change Committee, and he has often engaged with the industry. My right hon. Friend the Member for Gordon (Malcolm Bruce) has previously spoken for the Liberal Democrat party on such matters and has served on Select Committees in many guises and incarnations. He continues to sustain his interest.

I acknowledge the expertise and interest of the hon. Member for Angus (Mr. Weir). Owing not only to his place of birth and university education, but to his constituency, he rightly takes a deep interest in the oil and gas industry that is valued and appreciated. Whatever the differences between parties in Scotland, from what I have heard and read today, I do not think that there is a significant difference in the general thrust of what we say.

I have two other points, one of which is relevant to the debate and has already been mentioned. The issue is to do with Shetland. Both my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael), and his predecessor, now Lord Wallace of Tankerness, have ensured that the rest of us understand these issues. In the past, I have been to both Orkney and Shetland in somewhat inclement conditions, and I have realised how precarious life is onshore, let alone offshore. It is important that we remember that it is not all about comfortable, modern technology and flying people out in a helicopter and bringing them back again. The Liberal Democrats also have the great guru, my hon. Friend the Member for Twickenham (Dr. Cable), who is our shadow Chancellor. He was the chief economist for Shell and has ensured that we all understand these issues. I shall return to him in a moment.

I will not repeat the points that have been raised, but I want to put this debate in context. The Liberal Democrats take an interest in these issues. There was a debate in the House a fortnight ago, precipitated by the hon. Member for Aberdeen, North (Mr. Doran). It was mostly about the health and safety issues in the industry. We have taken an interest in the UK industry, but as the hon. Member for Sherwood rightly reminded us, the issue needs to be looked at in the context of Europe and the world. The security of energy supplies is an absolute precondition, not only for economic success but for peace in the world. If there are two issues that could lead to the risk of conflict now and in the future, they are disputes over energy and water supplies.

I have just returned from a second visit to Ukraine and a conference about freedom and democracy. The hon. Member for Sherwood hinted at this issue, and it will not surprise anyone to hear that one of the issues uppermost in the minds of everyone in Ukraine—where they are starting a presidential election campaign—is the future of energy security. Ukraine had a precarious time both earlier this year and three years ago when Russia effectively turned off the tap.

As the Select Committee report says, in 2007, thanks to the UK oil and gas industries, we were self-sufficient in oil and we produced three quarters of our gas. However, with declining supplies, both Britain and, more importantly, Europe have and will need to look outside the continent. We believe that it is central to the security of UK and European energy supplies that we continue to exploit what nature has given us with the UK oil and gas industries, as well as building a secure European energy policy. I will not be diverted far down that road, but I make a plea to the Minister and his colleagues that, during the remaining period of this Government and Administration, at both ministerial and prime ministerial Council meetings, we must work towards an energy policy that is part of an European energy policy.

I am always nervous about the fact that the Conservative party has never seemed as willing to see a UK energy policy that is part of a wider European energy policy. If we are to ensure that we can not only export materials such as oil or gas, but import them, we must have a European super-grid. As well as the east-west supply, we need secure supply pipelines that run from north to south throughout Europe, not only for fossil fuels but for renewable energy sources. That is the great debate to do with Gazprom and the pipelines that come from the former Soviet states. Unless we have that context for our energy security, we are all in trouble.

Russia, which is now the world's largest producer of natural gas and the second largest oil producer after Saudi Arabia, is a hugely dominant supplier. Its state-owned companies are dominant suppliers, and that is a dangerous and precarious position for the rest of the world. That is why what we do at home is so important.

The other part of the backdrop to the issue is topical. Just the other day, on 14 October, the eminent report by Lord Turner of the Committee on Climate Change was published. The report included predictions of what might happen to oil and gas prices over the years. My hon. Friend the Member for Twickenham has always argued that we need a stable pricing regime to avoid spikes and the peaks and troughs of uncertainty. The hon. Member for Angus said that we do not want any unexpected surprises in the Chancellor's autumn statement. The world cannot easily cope with unexpected or steep variations in the price of oil and gas. If we are to have some sense of energy security, we must ensure that the supply is secure, so that prices can be secure.

It was encouraging that the projections by the Committee on Climate Change show a gradual increase in annual gas prices over the next decade, as that provides hope for security. Projected annual oil prices also show a gradual and not too steep increase. From our constituents'

points of view, any significant increase in gas and oil prices, irrespective of what use the suppliers make of them and whether they add a fair or an unfair amount, will have a huge impact on domestic budgets, particularly for poor people in this country. It is imperative that we have the best security of supply.

My hon. Friend the hon. Member for West Aberdeenshire and Kincardine said that we very much sign up to the Committee's key recommendations that we must decarbonise the UK economy quickly, while keeping our oil and gas supplies and incentivising maximum opportunities from them, and that we need sustained investment. Like the hon. Member for Angus, I am slightly troubled that the Minister, partly as we might have expected, gave us an inscrutable answer about what the Government might do. The Committee was clear about it. Recommendation 5 says:

"We welcome the Government's recognition of the difficulties faced by oil and gas companies in accessing affordable lending and the fact that DECC, through BERR and HM Treasury, is engaging with banks to ensure that the UK continental shelf 'is at the forefront of the minds of the banks'. However, given the problems oil and gas companies are having in achieving affordable borrowing, it does not seem that such engagement is having any conspicuous success. DECC Ministers should set out, with their Treasury and BERR counterparts, what steps the Government is taking specifically to help oil and gas companies access affordable credit from banks and keep under review the availability of such credit."

The Government's response, dated 14 October, basically says, "We're doing things across the board," but says nothing about specific assistance. That ties into the two specific points that have been made, which I want to reinforce as strongly as I can.

First, it seems to me that, if we have a lot of well-established, well-used and fairly old plant that needs replacing to gain new generation investment, that would need some helpful banking finance up front. It might not be enough just to have general Government support for the banking industry. I ask the Minister specifically, if he can respond when he winds up, to confirm that he will take away what I think he has heard from every speaker so far: because oil and gas is one of the UK's most important industries, it is crucial that it should have the opportunity to obtain the credit and finance that it needs to be able to put the necessary infrastructure in place.

Secondly, there is a clear benefit to that, for the reasons that we have all discussed. At the moment, there are 350,000 to 400,000 jobs in the industry. Unemployment is rising, and we need people with engineering and technical skills in particular. It is vital that we use opportunities to give people training and work, particularly work, not just in the conventional activities of oil and gas exploration and bringing it home but, as colleagues have said, in developing opportunities in carbon capture and storage.

Again, will the Minister confirm in winding up that he has heard that message? We have a tough line in our party that the next range of coal power stations should all be carbon capture and storage from the beginning. That is increasingly the advice of environmental and climate change experts. If that is the case, we must be ahead of the game, not behind it. Given that we have a great country with a great engineering and scientific tradition, there is no reason why we should not be. The Americans in California have done a lot of work. Companies that come to see me say, "We have no technical problem; it's about taking it from the pilot scheme to an operating model."

This is also about jobs—new jobs in new skills. As the hon. Member for Angus said, the opportunity to continue to employ people in new things in the North sea, along our east coast and around the coast of Scotland, is as important as it is in old activities. That includes carbon capture and storage, but it also includes renewables: offshore wind, tide and the like. Those are what the Prime Minister might call green jobs—the jobs of the future. The Government get into a muddle about that. The Prime Minister says, "We're going to have all these green jobs," and then another Minister says, "There's no definition of a green job," so there is a problem, but the general argument is that they are job opportunities.

This is not special pleading; it is a point made by other colleagues. I am trying to reinforce the two last points that come up in the report. The point about access to infrastructure by small companies is clearly understood. The Government said in their reply, "There's a voluntary code, and we're keeping an eye on it," but colleagues from the region, particularly from Scotland, are saying that it does not appear to be working well. Smaller companies are saying that they do not find it easy to negotiate the deal. The law is in place; it should work. If it is not working, it needs to be revised, but if it is not working because it needs to be oiled as a bit of machinery, the Government need to produce pressure to get the oil working down the pipeline.

On the Shetland point, the Government say in their response to recommendation 20:

"The frontier area for the UKCS"—

the United Kingdom continental shelf—

"is West of Shetland—one of the most challenging operating environments in the world."

Anybody who has seen it, even from the shore or flying overhead, rather than by living and working in the west of Shetland, must understand that point. That is a fantastic opportunity, and the Minister has accepted it.

My hon. Friend the hon. Member for Orkney and Shetland, Tavish Scott and others are keen to press on the Government that the field allowance regime has not yet delivered. I understand when the Government say, "We can't have a regime that produces additional money where it doesn't need to be spent"—that is not good public expenditure—but the system must be flexible enough to ensure incentives where there is no activity currently. I am told that the application of the field allowance system announced in the Budget this year, though welcome, does not work for some of the technologies needed for the west of Shetland. If we are to explore there, that is important.

My last point is one that I made in an intervention. Some activity is bound to be very near the edge of our territorial waters. It makes absolute sense to collaborate with the Faroese authorities, as we have done in other things with Norway. Colleagues in Shetland would wish the result of the exploration to come directly to Shetland, rather than having to go all the way to the Faroes and come all the way back. I hope that the Minister will make it clear that he understands that. If he has the time—I know that it would mean an extra flight after his visit to Aberdeen—is he willing to visit Shetland and talk to colleagues there? That would be much appreciated.

[Simon Hughes]

There is absolute commendation of the value of the oil and gas industry in this country and its contribution. We want to express our collective gratitude to both those who work in the industry and those who come here to brief us, particularly Oil and Gas UK, which is very good about keeping us well informed, answering any queries and ensuring that we understand the issues. I hope that in both the autumn statement and the Budget next year—the last Budget before the general election—the Government will do all that they can to be even more helpful, so that our oil and gas industries, which are two jewels in the crown of UK plc, have a successful future. It is not at all incompatible with saving the planet and averting the climate crisis to ensure that we intelligently and responsibly exploit the natural resources that we have been given, and they are two of the most important.

4.20 pm

Charles Hendry (Wealden) (Con): May I begin by referring on the record to the visits and conferences that are in the Register of Members' Interests? I also went to Moscow this week to speak at the international energy week conference that was organised by the Moscow chamber of commerce.

This has been a useful and constructive debate. The Select Committee's work in creating the report has been valuable and useful. I speak not only as the Conservative Front-Bench spokesman on this issue, but as a member of the Select Committee. It is a young Committee, but it has hit the ground running. It has already done valuable work. It is extremely well supported by the Clerks and officers, who have given some outstanding briefings. It has shown it is prepared to deal with the difficult issues. Many easier issues than this could have been adopted for the first report, but this is one of the most important issues for energy policy in Britain, and in Scotland in particular. It is to its credit that the Committee has put forward a report that is unanimous and meaningful. Sometimes it is difficult to achieve those two together.

The North sea and the oil and gas sector are often the forgotten element in energy policy. For all involved in this report and all those in Parliament, the oil and gas sector has been there for the whole of our political lives. It is sometimes taken for granted that, because it has worked well and has been successful, it will inevitably go on doing so. We must recognise the massive contribution the sector has made. In total, it has paid £271 billion in taxes. This year, it will pay £7 billion in taxes, which will account for a quarter of all the corporation tax collected in the UK. It provides between 65 and 70 per cent. of the country's primary energy demand. We all join the Minister and the hon. Member for North Southwark and Bermondsey (Simon Hughes) in paying tribute to the industry for its achievements, for driving forward investment and for the exceptional courage of all who work in the sector.

One of the most extraordinary visits I have ever made was with the British-American parliamentary group to BP at Houston in Texas. We saw the way in which new technology is being applied to an established industry. It is identifying potential new deposits under 10,000 feet of water and 20,000 feet of rocks using sonar equipment that is dragged across the top of the Gulf of Mexico. That can pinpoint to an area much smaller than the size of this room where should be drilled to give the best opportunity of success. This is not an old industry but an incredibly modern one. It is at the cutting edge of research and development. It is to the huge credit of Britain that British companies are the global leaders that are driving the industry forward.

The industry has been a great source of wealth for the country and an important element in our energy security, but we must adapt to a new world. Gas output is declining, bringing new challenges. We have discussed gas storage, which is one of the big challenges that the Government have to face. This country is critically short of gas storage. We have capacity for only a couple of weeks, compared with about 100 days in Germany and 120 days in France. Lord Hunt of Kings Heath, the Minister of State, Department of Energy and Climate Change, said recently that if all the projects that were planned to be built by 2012 were constructed on time, our gas storage would be increased by just five hours. That brings home how much more must be done.

We will inevitably become increasingly dependent on imported gas. The involvement of Russia has been mentioned. We currently import about 2 or 3 per cent. of our gas from Russia. That will almost certainly rise. We need to get a better understanding of the importance that gas will have in the mix in coming years. In his excellent introduction, the hon. Member for Sherwood (Paddy Tipping) said that 60 per cent. of our gas could be imported by 2020. In "The UK Low Carbon Transition Plan", the Government say that the figure will be only 40 per cent., whereas others say that it could be as high as 80 per cent. That is a wide range. The answer has important implications for the amount of gas storage that the country will need. We have facilities and areas where gas can be stored, but we must drive forward the investment.

There must be a normalisation of the relationship between Russia and Ukraine. The transit and domestic supply issues must be separated. Eventually, a proper market price must be paid in Ukraine for the gas it receives. We agree with the hon. Member for North Southwark and Bermondsey that there must be new pipelines to market. Nord Stream, South Stream and Nabucco can all contribute to ensuring that a smaller proportion of Europe's gas comes through Ukraine.

From what I heard in Moscow this week, the co-operation being sought by the Russian Government is encouraging. Prime Minister Putin himself has recently worked with the heads of energy companies actively to seek their involvement in developing the potential for liquefied natural gas facilities on the Yamal peninsula. He has set out clearly the terms of investment, the local expectations and the benefit to the Russian economy from technology and jobs. That element must not be taken for granted, but should be taken into consideration in this debate.

Simon Hughes: Russia has always sought bilateral arrangements with individual European countries such as Italy and France. Would the hon. Gentleman support a much more effective European Union energy strategy that challenged the dominant state positions of some EU countries, which have gone unchallenged in the history of the EU?

Charles Hendry: It is important that energy policy remains as a retained power that is set at a nation state level. In January, we saw the extent of our interdependence in European energy policy. In response to a crisis thousands of miles away, we saw gas being pumped out of Britain at an alarmingly high rate when we were approaching our coldest winter for 18 years and should have been building up our gas storage. There is inevitable interdependence, but that does not stop me believing that the fundamental principles of energy policy should be decided at nation state level. We should decide the best way to meet our low carbon obligations and to ensure our energy security.

We have heard about the need for maintaining output at high levels. The report says that there is scope for between 11 billion and 37 billion barrels of oil in the future. Oil and Gas UK gives the figure of 25 billion barrels, which is roughly in the middle of that range. For that potential to be realised, there must be a greater strategy than we have at the moment. I join others in paying tribute to the work of PILOT. However, that has been more about setting targets than delivering a road map. To contrast this sector with the nuclear sector, the Office for Nuclear Development has a month-by-month plan of who should do what so that new nuclear plants can open within a decade. Everybody knows whose responsibility it is to keep that programme on track. We do not have the same road map in oil and gas. It is important that people know whose job it is to do what if we are to realise the potential of the sector.

The hon. Member for Sherwood was generous in his opening remarks—he is always very generous—in saying that the Government had responded favourably to the report. I felt that the Government response was a bit complacent and bland. It was full of warm words that suggest that everything that needs to be done is being done. It did not contain enough on recognising the extent of the challenges and the dropping off of investment activity, which is crucial for future development.

We have had a discussion about what more could be done to ensure that small and medium-sized companies that are still pretty big in the sector get access to the finance that they need, because a real struggle is going on with that. It would be interesting to hear more from the Minister on that.

We understand that the Minister is having discussions with the Treasury, but I must emphasise that the whole fiscal regime could not be more important. My hon. Friend the Member for Tatton (Mr. Osborne), the shadow Chancellor, has asked Tim Eggar—a distinguished former energy Minister—to look at the fiscal regime and report back to him early in the new year. We can then set out in great detail exactly how we would try to ensure that this sector prospers.

As the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) said, if one does not get the fiscal balance right, there will be no exploration and, without exploration, the relevant taxes will not come in. We all have a vested interest in ensuring that exploration work is continued as much as possible. It is important to have enhanced oil recovery in this area, and that work is done to invest in the declining fields. Again, those policies will be of fundamental importance to such areas.

The companies involved in the sector do not just look at the opportunities in the United Kingdom; they look globally. If, at the end of the day, they think there is a better regime somewhere else in the world, that is where they will invest. So we are truly in a competitive market in trying to secure that crucial investment in the United Kingdom.

We have had a discussion about the carbon capture and storage element. Again, the hon. Member for Sherwood talked gently to the Minister about there being no finishing line. I would put it slightly more robustly: the Government scheme is in chaos. We have seen the scheme changing over time and, as we have heard, the best opportunity, in Peterhead, closed down as a result of the delays. Initially, the scheme was to be only for post-combustion technology, even though for many of us the most exciting opportunities were in pre-combustion and oxy-fuel combustion technologies. However, they were ruled out at the outset.

In response to a lot of pressure from all parties, the Government decided to extend their scheme. So we now have one competition for a single post-combustion project, and potentially three other projects. While the delay has been going on and there is the lack of a finishing line, we are being overtaken by other countries—for example, the United States, Canada, Abu Dhabi, Germany, Norway or Australia. Around the world, companies and countries are moving ahead of Britain in an area where we could not have had a better opportunity to lead.

We have hundreds of years of coal supply, we have the technology and the skills base from the North sea sector, and we have the depleted oil and gas field. There could be no country with a better opportunity to lead the debate, so it is disappointing that we have slipped in terms of the leadership that Britain could have shown in that area. I know that the Minister is relatively new, but I hope that his enthusiasm—I always think of him as a sort of Duracell bunny Minister with boundless enthusiasm and energy—means that he can kick-start and drive the whole approach forward. If Britain does not take advantage of the situation now, in 20 years' time, we could be saying, "How did we lose out and why did we get it wrong?"—as in relation to the wind and other sectors. The leadership on this has to come from the Government.

The report also refers to the global opportunities that are in the UK. The companies that are leading in the North sea are those that have fantastic opportunities globally. However, the real reason why they have such unique opportunities is the maturity of our own industry. Such companies have had to do more on energy efficiency, more on eliminating flaring and more to ensure that they get the final remaining elements possible from the declining assets. Therefore, such companies can offer particular skills to countries that are behind the curve in that area. Through UK Trade and Investment and our embassies, I hope that we will advocate the opportunities for those British companies to try to deal with that.

Again, I go back to the issues in Russia. Prime Minister Putin has said that he wants international involvement and we must be foremost among the countries looking to take advantage of those international opportunities.

Simon Hughes: I endorse that by saying that there are new opportunities in parts of the world that are traditionally supportive of us, with which we have good links—for example, Ghana is looking at oil exploration offshore and potentially even Sierra Leone could do with some

[Simon Hughes]

new investment coming in. There are plenty of places where good British people are already out there doing the work, bidding and getting some of the contracts. The opportunities do not stop at trying to do deals with places such as Russia; we have a good traditional base of support in continents in other parts of the world.

Charles Hendry: The hon. Gentleman is absolutely right. There is astonishment in some of these countries that, when they realise the potential and the size of the market available there, heavier weight representation is not made by the British Government. Such countries find that companies from other countries arrive with their energy Ministers, their Prime Ministers and a whole raft of ministerial support, while our representations are left to our very able diplomats on the ground, without that high level of ministerial support and representation. Again, that is an area where we need to step up to the plate more. If we take things for granted, some of those countries will simply look to other opportunities and businesses to help develop those assets and potentials, because they do not believe it matters enough to us.

We have heard from the Minister about some of his discussions with the Treasury, which are always challenging and interesting. In those discussions, I hope he will also consider some of the other aspects of Britain's national interests in this sector. The oil that we develop in Britain is particularly good for refining for petrol, but the declining market for petrol and the growing market for diesel means that we end up having to export a huge amount of petrol, particularly to the United States. However, we import phenomenal amounts of diesel, because the oil that is appropriate for that is found in other parts of the world. In the Minister's discussions with the Treasury, I hope that he will also look at that tax regime, because the tax regime on diesel vis-à-vis the tax regime on petrol will have an impact on the extent to which we can use our own resources.

In conclusion, the most important thing that we can say—this has come through clearly in the debate and in the report—is that this is a crucial industry that cannot be taken for granted. We have seen warning signs that investment is declining sharply, which means that in a few years' time, production will decline sharply, too. We have a vested interest in trying to make the best use of the natural resources that we have. We understand fully the challenges of climate change and of moving towards a low-carbon society. However, I agree with the hon. Member for North Southwark and Bermondsey that a distinction does not need to be drawn between those two approaches. We have a crucial need for energy security, and we have seen reports, even from the Government's own expert scientists, that say we could have power cuts in just a few years' time because so much plant is coming offline. When we have on—or under—our own doorstep such an extraordinary resource, it would be madness to allow it to dwindle unnecessarily fast. Clearly, that resource is finite in its nature, but it has a tremendous potential and it is vital to this country. The Government must respond by ensuring that that potential can be delivered.

4.38 pm

Mr. Kidney: With the leave of the House, I should like briefly to respond to the points made by hon. Members, several of whom mentioned the dispute between Russia and Ukraine. Although we rely on Russia for 2 per cent. of our gas annually and were relying on it for none at the time of the dispute, we were hugely affected by the diversion of our gas to other European countries who had been caught up in the dispute themselves. That tells me that there is a need to press on with the liberalisation of markets in the European Union. Certainly, we should have the kind of co-operation that the hon. Member for North Southwark and Bermondsey (Simon Hughes) talked about, if not the full-blown EU energy policy that he called for today.

Charles Hendry: I am sorry to intervene so early in the Minister's speech having just had the opportunity to speak, but at the time of that dispute, we were pumping out 25 million cubic metres of gas a day through one of the interconnectors. Through the interconnector next door, we were pumping in 26 million cubic metres of gas a day. The market was working perfectly—the molecules were following the money—but we were down to two or three days of gas storage. Our national security was therefore jeopardised because of how the system worked. Other countries say that, once gas storage is below a certain level, there should be restrictions on exports. Is the Minister exploring that issue and does he think it could be a way of ensuring our energy security?

Mr. Kidney: I disagree with one part of the hon. Gentleman's analysis: the market was not working perfectly, because artificial arrangements in some European Union countries attracted gas that was destined for this country at a fair price before it was diverted. That brings me to the point that he made in his speech about gas storage. Historically, and even today, storage has not been a major issue for this country, because the giant supply of gas on our doorstep has meant that we could simply turn the tap if we needed more. As the gas supply from our home sources declines, we will need to give more attention to storage and alternative resources. The Aldbrough storage facility in east Yorkshire has recently opened, and there are 19 other projects currently in play. This month, I attended an official dinner with the Qatari Energy Minister to celebrate the start of the flow of liquefied natural gas into this country through south Wales. On that night, he talked about how his country could supply us with liquefied natural gas for the next 100 years. We are taking serious steps to address this issue, but the liberalisation of the market in the European Union is still a key policy aim for this country.

Sir Robert Smith: On our indigenous gas supply, it is important for the Minister to recognise that, as the North sea changes, a lot of the gas that we get now comes not from pure gas fields but from gas associated with oil. We no longer have the ability simply to turn the tap off and on, even from much of our own supply, because it comes at the speed at which oil production will allow it to come.

Mr. Kidney: I am grateful to the hon. Gentleman, and I accept that point.

Most Members have mentioned carbon capture and storage. I remind hon. Members that, in the Energy Act 2008, we set out the legal framework for carbon capture and storage in this country, including on long-term liability, which was a very important issue for those who were considering developing policies and investing in future projects. We then established our policy on no consents for old coal in this country. In future, there must be carbon capture demonstration from the outset and an ability to retrofit 100 per cent. once the technology is proven. It is worth reminding ourselves that there is as yet no end-to-end commercial carbon capture and storage project in operation in the world. We also secured agreement in the European Union for access to 300 million emissions trading scheme credits from 2013 to support the development of the demonstration project across the EU. We have completed our consultation on the framework for clean coal.

Paddy Tipping *rose—*

Mr. Kidney: I have not yet finished my list, but I shall give way.

Paddy Tipping: What the Minister says is exactly right, but he must take the industry and the sector with him, whether that is BP, UK Coal or E.ON. Let me say to him very gently that there is real despair in the industry about the lack of progress. Unless the industry is confident that the Government are fully committed and will stick to the timetables that they have laid down, he will find that willing players will walk away to areas where their investment can pay higher dividends.

Mr. Kidney: I am in the middle of a list of the things that we are doing to ensure that we remain at the forefront of developments in carbon capture and storage. I stand by those things and continue the list, which includes the current consultation on the licensing structure for the future storage of carbon dioxide.

My hon. Friend asked about competition and where the finishing line is, but the next stage in the competition is the spending of the £90 million that my right hon. Friend the Secretary of State for Energy and Climate Change has announced for some of the bidders to design their projects. That is the so-called FEED—front-end engineering and design—stage of the development. Let us remember that they will be big-money projects. We have established the policy on how we intend to pay for them, and we hope to legislate soon—the Queen's Speech permitting—to make that scheme come about. This country is still at the forefront of such developments. Indeed, this year's Ernst and Young index has ranked the UK second, after the US, in its list of most attractive countries for near-term investment in coal capture and storage. In this instance, near term means that the index takes a view until 2015 on the attractiveness of investing in CCS demonstration projects.

Let me add a footnote to the debate on CCS. As a new Minister, in the summer, I walked around the Department to meet all the officials and to get to know who does what. In doing so, I came across the European Union team for our collaboration with China on its first CCS project, NZEC—the UK-China near-zero emissions coal project. So, I am proud to say that we have here in the UK, in my Department, the team that is developing the first commercial scheme in China, and I have to say that China is no further forward with its scheme than we are here.

Many Members commented on taxation and finance, but at least they helpfully acknowledged that I am not a Treasury Minister and therefore will not be let off my lead to talk about those matters. At this stage, I simply want to thank the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) for his comment about the positive engagement that the field allowance has brought with the sector. Like others, he wants it to move further forward quickly, but the engagement is there, and I certainly want to encourage that on both the Government side and within the sector. He made a good point about why we want to tax that important resource—so that we get our fair share of the value of a UK national resource. That was a good point for him to make and for me to reinforce.

Simon Hughes: Before the Minister leaves that subject, let me ask him about his Department's response to the Select Committee report. The response points out that the new survey of companies' investment intentions, which is what this is all about, is due this autumn. Will he tell us whether he has received it yet, or if he knows when it is coming? Will he ensure that it is shared robustly with Treasury Ministers as soon as it appears?

Mr. Kidney: It is coming, but it has not arrived. I take the hon. Gentleman's point about sharing it robustly.

Let me say a little about the availability of finance for projects to go ahead. As I mentioned in my speech, there are still good projects and they are still attracting finance. For example, there was a recent announcement about a smaller company—Hurricane Exploration—and a new development by that company. If my comments on Government support have not been explicit enough, let me mention the enterprise finance guarantee scheme for smaller companies and the working capital scheme for larger companies. Those are the kinds of Government funds that are available for companies seeking investment.

We cannot get away from the issue at the heart of this matter—the price that can be got for oil and gas. Again, the hon. Member for West Aberdeenshire and Kincardine recognised that point in relation to the price of gas. The price of oil went to a high of $146 a barrel last year and then slumped to between $30 and $40 earlier this year. It currently stands at between $70 and $80. Given that the costs of delivering to the market oil from the North sea are between $40 and $50, which bank will look sympathetically at a project when the price of oil is below that amount? An important factor in making finance attractive for investment purposes is the idea that there will be a reasonable price for a product that has been won despite harsh and difficult circumstances. We have to bear that in mind as a practical issue.

I want to say something about the west of Shetland. First, my hon. Friend the Member for Sherwood asked about environmental studies and surveys, and I have said that there have been comprehensive surveys in the past. I am confident that we are in a reasonable position in that regard, but it is still the case that detailed and area-specific assessments would have to be made for any new development. That is usual practice.

Another point about the west of Shetland is that it brings into focus the issue of access to infrastructure. We are working with Total and its partners regarding

[Mr. Kidney]

the Laggan and Tormore fields, which we believe will bring much needed gas infrastructure to the basin. We are working with the industry to improve its code of practice, and we are also working on our own guidelines. I have already made that point to the hon. Member for Angus (Mr. Weir), but I want to stress that there is a mechanism for any small or large company to seek a determination of access conditions, price and terms from the Secretary of State. It is important that that is used in any case where a company does not feel that it is getting fair and reasonable terms.

I was asked about discussions with neighbouring countries over their territories. I am aware of no ministerial discussions with the government of the Faroes but am assured that discussions on co-operation are ongoing at official level. If fields were found in the Faroes, we would certainly seek ways to co-operate to the benefit of both sides, but at present we have heard of no discoveries there.

While we are on the subject of hearing nothing, the hon. Member for West Aberdeenshire and Kincardine asked me about replies from the statutory environmental bodies, and I have been told, "None so far," so that is obviously a point for me to take away and investigate.

Several Members followed my lead, if I may say so, by praising the skills and innovation of the sector. What the industry is able to do is of global significance, and I agree that we all need to get behind it to maximise the jobs, investment and energy security we get from the sector. The hon. Member for West Aberdeenshire and Kincardine asked me to speak up for the industry. We work well with the industry, as I hope the next meeting of PILOT in November will show. We speak up for the industry, and I do not think that those are warm words or the result of complacency.

At the beginning of the debate, I paid tribute to the industry and to the courage of those who risk their lives for it, and we were reminded of the dangers of the work by the reference that the hon. Member for Angus made to the tragic helicopter crash earlier this year and the many lives that were lost as a result. I spoke not from words drafted for me by a civil servant, but from my heart, expressing my appreciation of the industry, which we should be proud of, and the work that it does on behalf of this country. Hon. Members will judge me not by my words today, but by my performance and that of the Department and the Government. I welcome that scrutiny and reiterate that I am determined that we will perform to get the best out of the industry for our national interest.

Sir Nicholas Winterton (in the Chair): I congratulate all Members who have participated in this important debate on their positive and informed contributions and the Minister on his durability in opening and finishing.

Question put and agreed to.

4.52 pm

Sitting adjourned.

Westminster Hall

Tuesday 3 November 2009

[ROBERT KEY *in the Chair*]

Affordable Housing (Rural Areas)

Motion made, and Question proposed, That the sitting be now adjourned.—*(Kerry McCarthy.)*

9.30 am

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your chairmanship, Mr. Key. I am extremely grateful for the opportunity to debate affordable housing in rural areas. I shall start on a controversial note, and say that I am happy to take on any Member, here or not, in defence of my assertion that Westmorland and Lonsdale is the most attractive constituency in the country.

It is my privilege to represent a vast part of the Lake district, large parts of the Yorkshire dales, and vast swathes of south Cumbria that are so attractive that they could not find a national park for them. I am a fourth-rate fell runner in those lands, and my normal running route takes me to the top of Heversham head. At that vantage point, I often stop to compose myself and take in the view. From there I can see nearly all of my patch. It is stunning. One can completely understand why people who have plenty of brass should choose to join us and move to the area. We are delighted that people should choose to move to our area, to work or to retire, but I put in a bid for today's debate because of my concern for those who have to move away. They go not out of choice but because they have no choice, and they leave communities much the poorer for their departure.

The average wage in South Lakeland, the district in which my constituency is based, is £19,000 a year. The average house price is just over £250,000. Responsible lenders give mortgages of up to three and a half times annual salary, but the average house price is 13 times the average wage. The average family is stuffed—I apologise, Mr. Key, if that is an unparliamentary word—when it comes to buying a home.

South Lakeland district council has 4,000 council properties and an extra 1,500 housing association homes to call upon. There is a waiting list with 4,000 names on it; it is growing all the time as a result of repossessions and the ever-widening gap between incomes and house prices. At that rate, most people on the list will never find a social rented property. I said that there were 4,000 council homes; once upon a time we had 13,000 in the South Lakeland area, but some clever so-and-so decided to sell them off without replacement. Council houses built for local families are now on the market for as much as £400,000. It is depressing, dare I say it, that we are 12 and a half years into—and very likely six months from the end of—a Labour Government, but have seen no action to undo the outrageous ideological assault made on rural communities by the last Conservative Government.

The lack of affordable housing exists nationwide, in urban as well as in rural areas, but the problems that affect rural Britain are acute, and they require action specific to the needs of rural communities. The National Housing Federation reported in July that residents in rural areas faced the prospect of waiting more than a lifetime for new affordable homes. The report stated that rural housing waiting lists had hit a record level of 750,000. However, the rate at which new affordable homes are being built means that families in the 10 most challenged local authorities would have to wait an average of 90 years before getting a home, and in one case a staggering 280 years. That figure, of course, is academic, but it is none the less depressing.

For people like me who live in and have the privilege of representing part of rural Britain, it is clear that Government policy largely fails to address its specific needs and challenges. Hon. Members will, I am sure, be familiar with the Rural Coalition, which represents non-partisan groups such as the Campaign to Protect Rural England and the Country Land and Business Association. The Rural Coalition states:

> "For 50 years or more, policy has undervalued the countryside and failed to meet the needs of rural communities...the result is starkly apparent. Rural communities have slowly but relentlessly become less and less sustainable and less and less self-sufficient."

I agree with that statement. As the Rural Coalition says, that is not just the result of the present Government's failure; it is a failure of government across the board over half a century. It falls to us to reverse that.

I return to South Lakeland's housing waiting list, which is 4,000 strong. Where do 4,000 families go while waiting for affordable homes? Well, they live in often overcrowded and inappropriate private rented accommodation. I was recently in Kendal knocking on doors and I came across a household of eight people—three families—squeezed into a two-and-a-half bedroom house. We have a hostel in Kendal that is clean and well run. It was built to provide temporary accommodation for young single people. Today, it is crammed to the gills with families, who are there indefinitely. It is heartbreaking.

Many of those 4,000 families simply disappear, especially the young ones, and the community loses its lifeblood as a result. What is more, the housing waiting list is just the tip of the iceberg; countless more families never apply to get on the list because they do not see the point. As a result of the affordable housing crisis, we in south Cumbria lose 30 per cent. of our young people each year, and they do not come back. The average age in Britain is 39, but in South Lakeland it is 50. That evidence shows that the community is losing its youth because it cannot house it.

The social rented option is the quickest and most reliable way of providing affordable homes, but it is not the only way. The council in South Lakeland has led the way by enabling the building of shared ownership and shared equity properties, and other affordable homes for purchase. However, as the recession bites, the very people for whom those homes were built are being excluded.

The village of Holme in my constituency recently gained a new development, yet several of the affordable homes built there stand empty because the banks, including those that the taxpayer now owns, refuse to give mortgages on properties with an affordability restriction on them. Those banks that will do so demand a minimum 30 per cent. deposit. If people could afford a 30 per cent. deposit, they would not be in the market for an affordable home. My first request is this: will the Minister agree to

[Tim Farron]

ask the Chancellor to instruct the taxpayer-owned banks to lend responsibly, to ensure that people seeking to buy affordable homes are given the same mortgage deal as any other buyer?

I juxtapose the 4,000 families on the waiting list with the 6,000 or 7,000 properties in my constituency that lie empty for most of the year. I am talking, of course, about the real problem of excessive second home ownership in rural areas. I am not talking about holiday lets that add real value to the local tourism economy, but about properties that just lie empty for most of the year. I was in Chapel Stile in the Langdale valley the other day. The last time that a property in that village was bought by someone who actually chose to live there was 20 years ago. Every property bought since the 1980s was purchased as an investment, or a bolt hole. Meanwhile, local families look on in despair. Where are they meant to go? In Coniston, 50 per cent. of properties are second homes. In Dent, the figure is 50 per cent., and in Troutbeck it is about 60 per cent. In the Langdales it is around 70 per cent.

Mark Williams (Ceredigion) (LD): Does my hon. Friend accept that the knock-on effect is that such communities—I empathise with them; my constituency has similar problems—become seasonal service providers? As a result, the banks shut, the post offices shut and many stores and other shops shut, which means a worse quality of life for those who are able to stay in those communities.

Tim Farron: My hon. Friend is absolutely right. I shall refer to the problem in a moment. Many of the rural communities that I represent—like those represented by my hon. Friend—are seasonal communities when it comes to the provision of services. Many permanent residents are older and disconnected from services. In one village—I shall not name it today—the closure of the post office, which was the last all-year-round service in that community, effectively meant that half a dozen older individuals whom I can think of ceased to be able to live independently. They then needed a care package, and have had to move out of the village over the past year or two, because there is no longer the infrastructure needed to look after them throughout the year. The cost of that to the taxpayer—unseen, of course—is much greater than the cost of ensuring that proper services remain available.

It is an outrageous tragedy that local families should be forced out of the community in which they grew up simply because the two-up, two-down cottage in the village is sold for an inflated price to a Mancunian barrister, a London banker or, as happened on one recent occasion, a Government Minister. It is not that I have anything against such people, but when someone's right to a second home compromises someone else's right to buy a first, I know on whose side I am.

As my hon. Friend mentioned, the impact of excessive second home ownership on the community as a whole is immense. Every community can absorb a few second homes, but beyond a certain level, the very sustainability of the community is threatened. In the village of Satterthwaite in my constituency, more than half the houses are simply not lived in. Demand for the local bus service, the post office and the school sunk to such a low level that all of them were lost. It is now three years since Satterthwaite lost its primary school. The tragic irony is that the old school is being converted into seven affordable homes. If there had been seven affordable homes three years ago, the school would never have closed.

Given the damage that excessive second home ownership does in rural communities, through lost services and inflated house prices, will the Minister consider allowing local authorities to end the council tax subsidy that we pay to second home owners, and consider allowing them to set a higher council tax level for those with second homes in areas where second home ownership has become excessive and detrimental? Will she then allow those local authorities to plough that money into the creation of affordable homes for local people? My local authority has made an excellent start in that area. Members will know that second home owners automatically get a 50 per cent. discount on their council tax, but councils now have the power to reduce that discount to 10 per cent. I should say something positive here: I congratulate the Government on introducing that power some years ago.

In South Lakeland, the council has used the additional funds that that extra 40 per cent. has brought in to provide grants of up to £30,000 a time to encourage farmers and housing associations to get together and convert disused and underused farm buildings into affordable homes. The council has also varied its planning policy to allow such conversions to take place. With Government support, that scheme, which we call "Home on the Farm", could allow hundreds of families to be housed affordably in rural areas, and would breathe new life into rural communities. Will the Minister agree to back the scheme, so that we can build thousands of affordable homes across rural Britain, in the backyards of people who actively want them there?

On top of the issue of excessive second home ownership, there is the additional problem of properties that are used not rarely, but never. Those empty properties should be brought back into use. Will the Minister strengthen the powers of councils across the country, and provide them with the resources forcibly to bring those houses into use as affordable homes for rent?

In Haverthwaite, 20 homes on a newly developed site are lying empty because the firm of developers collapsed. We should have the power and the resources to bring such properties into public use at once. Will the Minister allow South Lakeland district council to do so? Over the past four years, South Lakeland has put an end to the annual net loss of social rented properties by building new affordable homes. It was a great honour to cut the ribbon around the five new housing association homes in Hawkshead. South Lakeland council has already met its housing target for 2012 and is now going on to meet the needs of some of the 4,000 people who are still waiting to be housed. However, most of those developments have happened despite Government policy, and not because of it. As many hon. Members will know, we are forced to go through the processes of the Government's dictatorial and counter-productive regional spatial strategies, when we should be empowering local communities to build homes with community backing.

In the 1980s, Michael Heseltine referred to planning as DADA—decide, announce, defend, abandon. The regional spatial strategies are a recipe for more and

more DADA. Will the Minister agree to scrap the regional spatial strategies and give the communities the power to create the homes that they need, in the places where they are needed? Do not doubt that we will build the homes that are needed. In South Lakeland, we have proved that we are not nimbys, but imbyps—"in my backyard, please."

To that end, I applaud the Government's decision to give a small amount of funding to help the establishment of community land trusts; £500,000 was announced in August. However, given the value that community land trusts can have in freeing up land for the development of affordable housing and in ensuring that local people have control over the allocation of such housing, should the Government not take a more proactive role in making the community land trusts a substantial and regular part of the armoury when it comes to providing affordable homes, rather than allowing them to be the rarities that they are? What about backing organisations such as the Cumbria Rural Housing Trust, which is leading the way in providing advice and support to community land trusts? Such trusts are struggling financially, largely because of the Government's withdrawal of support for the rural housing enabler scheme. Will the Minister agree to consider ways in which we can strengthen such organisations, as they have done so much to win community support for what might otherwise have been controversial housing schemes? The lack of affordable housing in rural areas is only half the problem; the other half is the lack of well-paid work.

Lembit Öpik (Montgomeryshire) (LD): I congratulate my hon. Friend on his erudite and insightful speech. Does he agree that the issues that he raises are common to areas such as mid-Wales and Montgomeryshire? On house building, has he investigated the work of certain companies, including J-Ross Developments in my vicinity, which have introduced the impressive concept of modular house building? That means that we can have very high quality and environmentally friendly houses for relatively low prices.

Tim Farron: I do not know the company that my hon. Friend mentions, but I am familiar with modular housing as a concept, and with companies in my area that are trying to push ahead with it. We must look very carefully, particularly in national parks and areas of national or international beauty, at how we can strike a balance between attractive properties and affordable homes. We need to make some compromises. In my constituency in the Lake district and the dales, we are always delighted to have visitors, but how likely are people to visit such communities if those communities are dead? We must find ways of building homes that are affordable to the builder and, therefore, to the buyer.

Lembit Öpik: Just to reassure my hon. Friend, the modular constructions that I have in mind are of high quality, and are attractive, too. Perhaps at some point outside the debate, I can introduce him to those ideas, because they may go some way towards providing a solution to his problem.

Tim Farron: If my hon. Friend has a chance later today, I should like to discuss the matter with him. He is absolutely right. Many of the homes in my constituency have been built affordably. The recent developments in Hawkshead, and the Northern Affordable Homes development in Kirkby Lonsdale, were built affordably but to a very high specification, and they are very attractive homes that will stand the test of time.

I will finish in a moment, Mr. Key, but let me touch on the other side of the problem, which is the need for well-paid work to enable people to live in and sustain their families in rural communities. The Government must look to rural Britain as an engine room of creativity, on many fronts. The right hon. and learned Member for North Warwickshire (Mr. O'Brien), when Minister with responsibility for renewable energy, kindly met me, and representatives of the business community in Cumbria, to discuss our attempts to create a new, green business park for the renewables industry near Kendal. If successful, that would create 900 jobs in south Cumbria. The Government must get behind such schemes and be imaginative about ways in which we can exploit the hydro energy industry.

What better way to boost local economies and provide the homes that rural families are crying out for than to scrap the artificial barriers that prevent the building of new local authority housing, so that councils can respond seamlessly and without delay and bureaucracy to the needs of their communities? The Minister has six months to undo this most appalling hangover of Thatcherism. Will she ensure that her name goes down in history as the one who made that happen?

I started off by mentioning the national parks, which were created by a Labour Government who wanted to preserve the countryside for the benefit of the whole nation and ensure that our most beautiful places were accessible to working people. The problem today is that a combination of Government ignorance of the challenges faced by rural Britain and the continuation of a doggedly free-market, laissez-faire approach to the development and protection of affordable housing has led to a situation in which people on middle and low incomes are being squeezed out of those beautiful places.

I want the countryside to be accessible to all, and it should be home to those on modest incomes, as well as those who are wealthy. I want a countryside with balanced, thriving communities of young and old. We will not achieve that if we continue as we are. As I said, the Government must tackle the problem of affordable housing in urban and rural areas. They must understand that rural areas have significantly different problems, when it comes to providing affordable homes, and that we therefore need significantly different solutions.

9.49 am

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to take part in this debate, which is on a subject that seems to be debated regularly. Hopefully, we will make some progress today.

I certainly agree with the analysis of the problem by the hon. Member for Westmorland and Lonsdale (Tim Farron), although I have some slightly different solutions to those that he put forward. Nevertheless, many of the solutions will cross over.

This crisis has been coming for a long time. It is a crisis with three strands. First, in many of the villages in my constituency, there is quite simply no affordable

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housing—that is the reality. We are not talking about the odd unit; they have all gone. I will go on to say what the repercussions are.

Secondly, on the back of that loss of housing we have lost services. That is a key reason why post offices have closed. Government policy has not helped, but the reality is that few people in rural areas either want to use or can use those facilities. Thirdly, there is a lack of social mix in many of our communities now, which is often underrated. It is a very bad thing, because it feeds into the other two factors and is a consequence of them.

To be fair, if the Government accepted the recent report of the Commission for Rural Communities on the issue, it would be a move in the right direction. I know that we have been here before; reports from the Countryside Agency have laid down clearly what the problems are and have come up with solutions. However, let me start from a slightly different perspective from the hon. Member for Westmorland and Lonsdale; I put this perspective four-square and I hope that the Government are at long last listening. The reality is that we will not solve the problem until the state takes the lead on housing. We need about 300,000 units a year, but obviously, we are barely building half that number at the moment, because of the recession.

The way that we got to that figure of 300,000 units a year is completely misunderstood. Looking at history, particularly the '60s and '70s, we can see that it was only ever achieved when the state was leading the housing market. It is a myth to pretend that it is a private enterprise-led initiative. Of course, the market has a part to play, but not the leading part.

The Government need to get real and look at how the state drives the process forward, which it can do in a number of ways. Principally, the Government have to put money in. We are beginning to put in some serious money, although it is a bit little and a bit late. Secondly, it is about finding land and about the nature of the provision. I am a complete supporter of local authority housing. I am not a supporter of bad local authority housing, but the local authority has a role to play in the process, because it is trusted and where it does well, it delivers well.

Where are we with regard to rural areas? One of the great successes of the '45 Labour Government was that they actually provided housing in our rural communities—in every community, from memory. Everyone got housing. We provided that row of local authority housing; it did not necessarily have to be provided in a row, but the houses are all there. Of course, they are not owned by local authorities any more; they are not even housing association properties. They have all been sold off over time, and the hon. Member for Westmorland and Lonsdale used a very good example when he said that such properties often go for hundreds of thousands of pounds now. That is fine for the people who received the capital benefit, but the next generation have been sold out, because those people can never get into the housing market.

Sir Alan Beith (Berwick-upon-Tweed) (LD): I reinforce what the hon. Gentleman is saying. Before I came to this place I was a rural district councillor in a local authority where members of all parties were entirely united in the view that their priority was to ensure that there was sufficient affordable housing in each village community. That process continued until central Government started to intervene and did not understand the need that councillors of every party were prepared to meet in their own communities.

Mr. Drew: I thank the right hon. Gentleman for that point; as always, he is right on the button. Let us not fool ourselves—the right to buy in rural areas has been an unmitigated disaster. It has been an unmitigated disaster as a policy overall, because it has completely skewed the housing market and the effect has been generational. The generation that had the ability to buy and sell on has done very well but, of course, that has been at the cost of future generations. At long last, the Government have made it much more difficult for the right to buy to operate. The trouble is that there are so few properties left that it is a fairly irrelevant change in policy.

The hon. Member for Westmorland and Lonsdale is absolutely right; it is no good building houses in the countryside if we do not provide jobs to go alongside them. Again, however, it is a complete myth that there is no work in the countryside. That is what is so annoying. Those of us who live in rural areas know that there is plenty of work there—in the public services, in the care industry and providing the basic core services that we need. There is, of course, also a growing provision and need in rural areas related to crafts industries, because those industries can operate and deliver from anywhere. If we can get broadband to some of our more isolated rural communities, people can work from home.

I hope that the Government, with their new planning policies, recognise that. It is no good having planning policy statements 3 and 7, which look at both housing and sustainable development, if we do not invest in the future of work in the countryside. Of course, that investment is absolutely vital at this stage. I must also say that it would help if we could provide some building jobs in the countryside, because that would of course provide some work. In that regard, we must understand that the big developers will never be able to help us in the countryside. They will only be interested in the larger sites. That is part of the problem. We must disaggregate the way in which the construction industry works.

Lembit Öpik: Regarding employment, I was able to attract a company called Regal Fayre, which is a burger manufacturer, to my area. The problem, however, was that the bank was resistant to lending money to the company. Therefore, does the hon. Gentleman agree that there is an opportunity for a proactive strategy, to get companies that might assume that they should be in an urban environment to invest in a rural environment, with the quality of life, low crime rates and good industrial relations that go with it?

Mr. Drew: Yes. That point is something that binds my argument. It is also something that I would like to ask my hon. Friend the Minister about, because I would be interested to know how the Government are driving forward rural policy, in terms of employment generation and trying to find innovative solutions, not just in housing but in job creation. That is a real challenge for

the Government. As I said, it would have been helpful if that thought had occurred to them some years ago.

There are some indications, notwithstanding some of the mistakes that have been made in getting rid of rural housing enablers and in not giving enough support to local communities. In a sense, the boot is on the other foot; even if central Government want to do all these things—provide the resources and look for land—it will be no good if the communities themselves are not willing to take on the challenge. That is something that most of the communities in my constituency are willing to do, but some are not, and there needs to be some parity of treatment in the way that we expect local areas to provide sufficient affordable housing. It is possible through the exceptions policy, but too often, the policy is seen as too difficult. I know that in some cases where we have made provision, usually for housing associations, it is a bit like walking through treacle—it sometimes takes as long as a decade to implement. Again, I challenge my hon. Friend the Minister to find ways to reduce the period of time that it takes from planning to getting the money together—as the hon. Member for Westmorland and Lonsdale said—to deciding on the appropriate housing and then, of course, to getting people into that housing, which is not always easy. The exceptions policy is a good policy, but it is often underused and it is often too difficult to implement.

That brings me to my penultimate point, which is that I totally agree—as people would expect—with what the hon. Gentleman said about community land trusts. However, we should be wary. As the hon. Member for Welwyn Hatfield (Grant Shapps), who is the Conservative Front-Bench spokesman, knows, we have one of the pioneering community land trusts in Stroud, at Cashes Green—I cannot remember if the hon. Gentleman has visited that trust, but he certainly knows about it and he is a supporter of community land trusts. However, delivering on that project is not just like walking through treacle; it is like walking through concrete—it is absolutely devilishly difficult, both in terms of English Partnerships and the Homes and Communities Agency. I will point the finger now; they have failed to deliver on the Cashes Green site. We are still at least a year away from being able to bring together all the different parties so that we can deliver on the project and I just do not know why.

I could argue that I am part of the problem, because I want the whole Cashes Green site to be used. It is a former hospital site and it is ideal for the type of delivery that community land trusts would allow, but I am willing to negotiate. The trouble is that every time I get parties together, we seem to have gone backwards rather than forwards. We have a planning application in place, but there are months and months of drift. Surely, one of the things that the HCA can do is to drive things forward. I want to see a mutually-driven community land trust, which would be pioneering. That is what we should be doing in rural areas; we should be looking for different types of scheme and driving forward different types of solution.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The hon. Gentleman speaks positively about community land trusts, and rightly so, but my experience is that every time we wish to implement one, we seem to have to reinvent it, with a lot of effort. One thing that the Government or the agencies could do is to derive a

Mr. Drew: I agree strongly. I thought that there were just two models: the mutual housing model and the equity release model. Someone—I cannot remember who, because I have met so many wild and wonderful people over the years who were supposedly experts in the matter—found 11 or 12 models. I do not know what they are because no one could ever show me, but I was told that there were many different models that were appropriate in different places. That just causes confusion.

I wish that we could get on and examine the two main models. I am not saying that the mutual model will work in every situation, but it is at least worth trying. That is what we have done in the 13 or 14 pilots. My hon. Friend the Minister might want to say where those pilots have got to. Some have delivered, some are still delivering and some—I must say that this is the case with mine—have yet to deliver. We need to get on with it.

Grant Shapps (Welwyn Hatfield) (Con): I have visited the community land trust project in the hon. Gentleman's constituency. It is most impressive and could deliver 70 or maybe even 100 homes. Does he agree that following English Partnerships' insistence on repeating the work already carried out by the community land trust by re-surveying all local residents, at a cost to the public of about £100,000, it could be argued that English Partnerships, now the Homes and Communities Agency, is hindering the project rather than helping it?

Mr. Drew: I agree. As I said, it is like walking through concrete. I thought that having got to the stage where the community knew that the site was going to be developed, it was completely irresponsible and unhelpful to go back and ask them what they wanted to develop it for. That is completely at odds with where we should be.

Community land trusts are important because they are community-led and can provide a solution in rural areas, but we need to get on with it and consider how they can deliver thousands of houses in many different areas, not see them as small projects that grind on. There are other things that we can do as well. I am aware that the Government have moved and are moving, but they need to move a lot further. My last question to my hon. Friend the Minister is this. Of the substantial increase in money for housing, what allocation can we in rural areas expect? We are not asking for a ring fence; we are asking for some notion of what will be allocated to rural areas. Unless we get state pump-priming, the rest is irrelevant.

10.3 am

Mr. Andrew Turner (Isle of Wight) (Con): I thank the hon. Member for Westmorland and Lonsdale (Tim Farron) for securing the debate and congratulate the hon. Member for Stroud (Mr. Drew) on his common-sense view, which I wish were shared by those on his own Front Bench. This debate gives us the opportunity to discuss one of the most pressing issues in many of our communities. Affordable rural housing and the lack of adequate provision have been addressed before, but with a conspicuous lack of progress.

In 2003, in "Sustainable Communities", the Government acknowledged that

"The availability of housing, especially social and other affordable

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In 2006, the Affordable Rural Housing Commission stated that

"to meet the scale of the need in rural communities in all regions, the issue must be addressed in its own right, and with urgency, rather than only after urban needs have been met".

The 2009 Taylor review on rural economy and affordable housing stated:

"Without change we will simply repeat the mistakes of recent decades…we will fail to stem the trend of smaller villages becoming dormitory settlements of commuters and the retired, ever less affordable for those who work within them."

Yet report after report has led simply to shortfall after shortfall.

I acknowledge that action has been taken, but too little is still being done too slowly to address the problem. By the Government's own figures, they have missed the target of 2,800 units for rural housing by 13.7 per cent. for 2009-10. Research by the Countryside Alliance paints an even bleaker picture. Need has been identified for 235,000 new affordable homes, but it is estimated that only 51,000 will be created in 2009-10, representing only 22 per cent. of the number required.

Although I acknowledge that the recession makes it harder to deliver the solution to the problem of affordable rural housing, it also worsens the problem itself. Wages are, on average, £4,600 lower in rural communities, while house prices for first-time buyers are £16,000 higher. Someone earning £17,000 a year might be able—just—to buy a home in 50 per cent. of urban wards, mostly in the north of England, but in only 28 per cent. of rural wards. Such disparities create barriers to opportunity. Local people, particularly the young, are unable to afford rising costs on lower incomes and are forced to move away from villages to find cheaper housing. A family moved from the village of Brook on the Isle of Wight to the capital, Newport, 10 miles away. We may find that affordable housing is moving not simply elsewhere on the island but to the mainland. Such an exodus fragments communities and families.

Those who choose to stay in rural areas and small towns also face problems. Though the rural population is increasing, local population is decreasing and the quality and availability of local services is declining. Some are getting better—Chale, with a population of 500, has a superb shop and post office—but others are getting worse. Roughly 10 post offices have closed in the past few years.

The elderly in rural communities are specifically affected by people moving away. Many elderly people are isolated as younger relatives leave villages and are forced in turn to rely on public services, where before, relatives would have looked after them. Furthermore, they often depend on lower-paid welfare workers who themselves find it difficult to live in the communities where they work. Daily commutes increase environmental costs as people travel from urban homes to rural workplaces.

That is why we must address the issue in the same manner that it affects people. Rather than attempting to provide a specific number of houses nationwide, the Government should treat each locality as a specific case with specific needs. Granting greater planning powers to councils and parishes would be a step towards that. The powers should grant councils the opportunity to provide more ably for local people, rather than to interact better with national targets as at present.

We find time and time again that targets have not been met. As I have noted, the Government are 13 per cent. below their own target for this year. Revising targets down while house prices go up, as this Government have done, creates a chasm between the desire to get a foot on the housing ladder and the opportunity to do so.

Communities should be at the heart of rural development. Too often, new rural housing is simply deposited in existing communities with little thought for how it will integrate. For example, increasing the amount of hard surfaces in rural areas can increase flood risk. New rural housing should therefore seek to extend and complement communities, not simply exist as an urban appendage of a rural village. Houses must be constructed in proportion both to a village's need and its capacity to sustain such a need. The need for those measures is accentuated by the influx of more affluent people in rural areas. The movement of people from urban to rural areas reduces the number of homes available to local people who cannot compete with the purchasing power of those who benefit from higher urban wages.

I do not advocate a right for local people to live locally. I believe that local homes should be more available to local people. More must be done to achieve that. Landowners must be encouraged to play a greater role in rural housing. Where necessary, people should be relieved of the burden of having to own the soil under their feet to put a roof over their heads. Housing costs would be lower if landowners could retain the land that properties are constructed on, possibly through a series of tax incentives. If portions of land were effectively free to buyers and sellers, local people would have greater opportunity in the housing market. Such a scheme could be started immediately on new sites that are unsuitable for commercial development.

Finally, reducing VAT on maintenance work for current houses would encourage the re-use of almost 1 million empty properties in the UK. Before any new houses are built, we must free up the ones that are not in use. Such a scheme would have a lower environmental cost than building new homes from scratch.

This issue holds a mirror up to our society. It is not as small as just providing for a need, nor as complex as the problems it creates. Affordable rural housing is at the heart of what we think our society should be: fair and equitable. That should be our starting point and our ultimate destination. If it is, we will be able to see statistics as the lives that they represent and families will be supplied with the homes that they deserve. The opportunity that we have can become a potential fulfilled.

Robert Key (in the Chair): I will call the Front-Bench spokesmen at 10.30 am.

10.12 am

Mr. Roger Williams (Brecon and Radnorshire) (LD): I intended not to make a speech this morning, but to attend the debate and perhaps make an intervention. However, I am surprised by the lack of enthusiasm for this subject, because it must be a concern to those that

representatives of rural areas encounter in their surgeries. I did not think that housing would be a big issue when I was elected, but it has turned out to be one of the most important. I congratulate my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron) on his comprehensive approach to the subject. I will touch on a few of the points he raised.

At the end of the recess, I led a small group that included representatives of the National Housing Federation and the English young farmers clubs to meet the Secretary of State for Environment, Food and Rural Affairs on the issue of affordable rural housing. There were many encouraging comments and many aspirations were expressed. However, the delivery of houses is what is important. Many policies are in place, but they are not matched by a determination to bring them to fruition.

One Department for Environment, Food and Rural Affairs initiative that has proved effective is the position of rural housing enabler, which was established with pilot funding from the Department. Over time, that funding has been transferred to local authorities. Unfortunately, some local authorities have not continued to employ rural housing enablers because of the financial pressures they are under. The hon. Member for Stroud (Mr. Drew) said that making progress on this issue is sometimes like wading through treacle, or even concrete. Rural housing enablers have the time, persistence and energy to do that.

I met the rural housing enabler in my area recently. Some excellent work is being done in the village of Clyro. For example, land that is owned by local authorities and other public bodies is being identified to see if it can be made available to other organisations for the construction of social housing. The rural housing enabler has proved effective in Crickhowell, where a development has been built that is proportional to the size of the town. As is common, parts of the community were not hugely enthusiastic about the development. In the past, housing associations have been given targets for building houses and have built in communities without doing the necessary housing needs assessment. As a result, communities have been left with more houses than they needed and have not benefited.

Many people believe that we cannot achieve a decent level of affordable rural housing without changing the planning system. However, there are examples throughout England of local authorities that have delivered for the people they represent while working within the planning guidelines and policies. One such authority was South Shropshire, which unfortunately no longer exists because it was taken over by Shropshire unitary authority. The work that was done in south Shropshire has been transferred to the whole of Shropshire. The authorities in that area have succeeded in delivering a suitable amount of affordable housing.

A problem with planning is the definition of a sustainable community, which is used to decide whether a community could or should be expanded and developed. Some communities are deemed unsustainable because they do not have a shop, church, chapel, pub or some other facility. Often, they do not have such facilities because they were closed when development was not allowed. That is a chicken and egg situation.

My hon. Friend the Member for Ceredigion (Mark Williams) will raise the issue of obtaining mortgages for properties with local ownership conditions, so I will not trespass on that ground. It is an important issue that banks that are subsidised by taxpayers' money are not aiding policies to provide rural housing development.

As I have said before, the problem we are debating is one of the key issues in rural areas. If we are a civilised society, we must ensure that we have enough housing for the people we represent. Anybody who solves this problem is worthy of an award with the status of a Nobel prize.

10.18 am

Mark Williams (Ceredigion) (LD): It is a pleasure to serve under your chairmanship, Mr. Key. I congratulate my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron) on securing this critical debate. This subject is one of the biggest issues in my constituency postbag and at my surgeries.

It is a pleasure to follow the hon. Member for Stroud (Mr. Drew), who spoke about council housing. A large part of Aberystwyth looks as though it is made up of council housing. Many people who come to my surgeries believe in that myth and think that they will soon be able to access council housing. Sadly, half of the Ceredigion housing stock has been sold off. As he said, some villages have a row of six council houses, all of which have been sold off, leaving no provision of council housing in those communities.

As a Welsh MP, much of what can be done in my constituency to assist first-time buyers and to improve the provision of housing is rightly the responsibility of the Welsh Assembly Government. They are trying to secure renewed legislative competence in this area, including the power to suspend the right to buy in areas of acute concern. It is a pity that that provision did not exist somewhat earlier, when we had council housing to protect in that way.

Mr. Andrew Turner: Does the hon. Gentleman accept that although he has referred to problems, there are also successes, such as Nettlestone on the Isle of Wight, where a decision has been taken locally to build houses for people to live in, and I think five or six houses have been built there recently?

Mark Williams: I thank the hon. Gentleman for that intervention. I can trace my ancestry to the Isle of Wight, although not to that particular community. I accept the point that local initiatives need to be taken, and I will come on to that later. I simply wish to make the point that there is also a requirement for council housing and that we have lost a huge amount of that stock.

Like much of rural Wales, Ceredigion has for a long time been one of the least affordable parts of the United Kingdom. According to the most recent figures, the house price to earnings ratio is about 6.4. As I say, there is a chronic lack of social housing and, as of September, 2,594 people were waiting on the council housing list.

After the fall in house prices—some evidence was provided by the Countryside Alliance among others to suggest that the fall was much lower in sparse rural areas—prices are rising again and rental prices remain largely static, as more people choose to rent if they can, rather than attempt to buy. In my constituency, such a

[Mark Williams]

situation is compounded by steady migration into the county, which, of course, we welcome, and a burgeoning second home sector, to which my hon. Friend the Member for Westmorland and Lonsdale alluded in relation to his constituency. The problem is also compounded by the success of the two universities in Aberystwyth and Lampeter, which puts huge pressure on the rental sector.

Ultimately, the obvious problem, which has been mentioned, is supply and demand. Until enough houses are built to meet the needs of communities, any measures to assist in making housing more affordable are likely simply to tinker around the edges of the problem. The hon. Gentleman mentioned the English figures on the targets for delivery and the figure of 22 per cent in relation to England. The figure is a little better in Wales, but not much, at 31 per cent. Of course, actual delivery is likely to be significantly lower, given the economic climate in rural areas.

My main concern is, where there is private sector housing as a product of market development, those developments remain at a standstill in many cases because of the difficulty in obtaining mortgage finance. I could literally take the Minister and her Welsh equivalents to scheme after scheme that is at a standstill in my constituency. For example, there are schemes where, out of 10 houses, three are deemed by planning to be affordable and there is a planning requirement for them to be built first, yet both developers and prospective residents tell me that they are being hampered by the inability of prospective purchasers to access mortgages.

For many of my constituents, accessing mortgages is nigh impossible. Yes, we need a banking sector that is more risk averse, but it is frustrating that people who should by rights be benefiting from schemes that local authorities have introduced to make housing more affordable have had a patchy experience. The concern raised by lenders is that such 106 properties have template agreements that ensure that if houses remain on the market for a certain period—perhaps six months—the restrictions are gradually released. However, that is not always suitable, particularly in small rural communities where there is acute need and where restrictions are put in place for good reason. I appreciate the work of the Minister's Department and the Assembly Government on the development of templates for 106 agreements, but I question the wisdom of the Council of Mortgage Lenders, although it makes the point that those templates are not routinely or consistently used by local authorities.

How much flexibility do those 106 templates afford local authorities and how far does that impinge on local circumstances and specific conditions? Sometimes those conditions necessitate that properties are deemed affordable for perpetuity, and require that there are occupancy controls for key service workers and that sales are restricted on the basis of local incomes. Those are the realities of the need in many of our rural constituencies. The Council of Mortgage Lenders has acknowledged that what it deems to be restrictive clauses lead to what it describes as a "diminished appetite to lend." That is the reality for a growing number of my constituents, who have come to see me. What discussions has the Minister had to address the matter of the section 106 templates, so that she can ensure her discussions with the banks mirror the needs on the ground?

It is bewildering for many of my constituents that some commercial high street banks are able to offer services in this area when others are not. As my hon. Friend said, it is bewildering because a vast amount of public money has been pumped into the banking system—of course, there has been more on that in the news today. My fear is that many mortgages that could have been agreed if the right situation and arrangements were in place have been lost because of this issue. Without redress, that will continue to happen. Although such experiences represent a minority of cases—the letters I have had from the commercial banks say that it is only 3 or 4 per cent. of cases—the figures are significant for those of us in rural communities. Some banks have a positive record—Lloyds has even helped the local authority in Ceredigion to construct its section 106 agreement—but I am afraid that others, such as Abbey, Northern Rock, Royal Bank of Scotland, HSBC and Nationwide, are not accepting the 106 criteria in my constituency.

Mr. Roger Williams: An example of that in my constituency is in Newbridge-on-Wye, where a development for 12 affordable houses has not gone ahead because the condition that the local authority wanted to put on them meant that no mortgage provider would provide the facilities to purchase them.

Mark Williams: That is precisely the point. The situation is worse than that. There has been a marked lack of communication within the banks, which means we have reached a ludicrous situation where mortgage offers are given to constituents when they have meetings in the high street branch, but when the offer is forwarded on to offices higher up the banking structure, the branch is told that it was not entitled to make such an offer. My hon. Friend makes a good point. I know Newbridge-on-Wye and that the issue is a problem there just as much as it is elsewhere in Ceredigion.

These problems run deep. I am particularly concerned about the implication on service provision in our villages and the effect on young people. Going back to July 2008—things have become markedly worse since then—the Taylor review identified that only 17 per cent. of purchases were made by first-time buyers. This is anecdotal, but a young couple came to see me in 2005 because they had no housing opportunities. She worked as a carer on a low wage and he worked as a part-time employee at our national library in Aberystwyth. If they had stayed in the area, they would have become part of the hidden homeless, living in a spare room in a parent's house, rather than being able to access accommodation themselves. The couple were forced to leave the locality.

Over 20 years, the proportion of young people in rural areas has fallen from 21 to 15 per cent. It is a sobering thought that without homes and jobs, there is no community left to support local shops, schools and services. It is no coincidence that we are also having a debate in rural areas about the vibrancy of our schools, and that we have had debates about the lack of post offices and the loss of shops and pubs. Such issues are intrinsically interconnected and we need a holistic approach from the Government to deal with them.

10.28 am

Andrew George (St. Ives) (LD): I am pleased to wind up for the Liberal Democrats. I congratulate my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron) on the manner in which he introduced what is an extremely important debate for much, if not all, of rural Britain, given the pressures on the countryside and the difficulty of finding affordable housing for many local families. I will, of course, have to overlook his contentious opening remarks about the beauty of his constituency, particularly as mine covers west Cornwall and the Isles of Scilly, which everyone knows is far better by comparison.

Although the statistics may vary in different parts of the country, certainly many of those mentioned relate to my part of the world as well, and we could read that across to many other areas. It is important that my hon. Friend's analysis of the problem concentrated on moving towards solutions, and that the debate has not simply been about raising a series of gripes and criticisms of Government policy—instead, it has concentrated on the way forward.

The hon. Member for Stroud (Mr. Drew) mentioned the usefulness of the exceptions approach and the role of community land trusts, which are developing over time but which have to overcome enormous hurdles to achieve desired outcomes. The hon. Member for Isle of Wight (Mr. Turner) made an important contribution and emphasised the need to devolve greater planning powers to local communities and local authorities. The Government should listen to comments on that theme, to which I shall return.

My hon. Friend the Member for Brecon and Radnorshire (Mr. Williams) made an important and telling contribution. He pointed out that although it is possible to work within the existing planning system, and although some local authorities, such as the former South Shropshire authority, were able to work with the limited tools available to them, there is no room for complacency. The difficulties that local authorities have to overcome to meet local housing need are enormous and, if anything, getting worse.

My hon. Friend the Member for Ceredigion (Mark Williams) emphasised the need for powers to be devolved—to Wales in his case. He also emphasised the important role of the banks and lending institutions in oiling the wheels to help the intermediate market properly take off. Those of us who have taken up casework in our areas and who are trying to assist such developments, particularly those with section 106 obligation agreements attached, have found that the lending institutions have not been particularly helpful.

I should declare an interest. Before I was elected to the House, I was a rural housing enabler before rural housing enablers were invented. I worked with a local charity in Cornwall and the Isles of Scilly, and I was one of the first shareholders in the Cornwall Rural Housing Association, which was established in 1986.

I shall concentrate primarily on two issues, the first of which is the fundamental problem of the dead hand of centralised control and its impact on the ability of local authorities properly to address the need for affordable housing in their areas. Regional spatial strategies have been mentioned by several speakers. The Government's overall objective of building 3 million homes by 2020 is the totemic objective that drives policy. They simply ignore the need for the more subtle and localised approach that is required in many rural areas as they drive on with their top-down, prescriptive approach, which is inappropriate for rural areas. It is a tragedy for many rural areas that the Government are grinding on with a strategy that has failed successive Governments, who have simply attached housing development numbers to structure plans—now regional spatial strategies—in a manner that does not necessarily address the intricacies of the situation in rural areas.

The Government have confused the means with the end. The end is to meet housing need, and the means to do that is to build 3 million houses by 2020, but that target seems to have become the end of the Government's policy. They have become so obsessed with building those homes that they fail to recognise why they are building them. Let me give an example from my part of the world, Cornwall, where the housing stock has more than doubled in the past 40 years—indeed, we are the third-fastest growing place in the UK. Like my hon. Friend the Member for Westmorland and Lonsdale, I say that we are not nimbys; we are very much imbys. We have accepted and welcomed development in our fast-growing area, which is densely populated for a rural area. However, at the end of those 40 years of perpetual growth, the housing need situation for local people is worse.

One conclusion that we can draw from that example is that simply building houses is not the answer. People who follow housing policy in rural areas will recognise that being a one-club golfer—simply building more and more houses without recognising and adapting to the intricacies of the situation in rural areas—is part of the problem. I think we all recognise that there is a difference between land values in rural areas—between the value of agricultural land and the value of development land. That is the elephant in the room. The stroke of a pen at a local planning committee can increase the value of an acre of land from £3,000 or £4,000 to the equivalent of a lottery win. We know that the planning system is fuelled by greed rather than need, and that fundamental problem has made it extremely difficult to meet housing need. The need for a policy that meets housing need while retaining the integrity of the planning system and not simply turning it into a developers' charter is something that local authorities fully understand, and they need to take those considerations on board when they address these issues.

We need to expand the exceptions approach that the hon. Member for Stroud touched on. We also need to expand the intermediate market. Yes, the lending institutions need to be more on board than they are, but we also need to give local authorities the power and tools to address need. We cannot simply get around the problem by building cheap housing. I do not think that my hon. Friend the Member for Montgomeryshire (Lembit Öpik) meant or implied that we were talking about cheap housing for people who are in housing need. As my right hon. Friend the Member for Berwick-upon-Tweed (Sir Alan Beith) said a moment ago, in the past, local authorities knew about meeting local housing need and they built decent houses. What we are doing at the moment is cramming people into unfeasible spaces and creating ghettos for the future. We will regret that approach in years to come.

[Andrew George]

My second point is about second-home ownership, which has been mentioned by my hon. Friend the Member for Westmorland and Lonsdale and others. The issue is not about the politics of envy. We have achieved the removal of 40 per cent. of the 50 per cent. council tax discount that was costing the taxpayer about £200 million a year. It was clearly morally unacceptable to subsidise the wealthy for their second homes while thousands of rural folk could not afford a first home, so that subsidy had to be done away with. I remember a debate in this Chamber with the hon. Member for Sunderland, South (Mr. Mullin), when he was a Local Government Minister. I had been carrying on about the issue for years, and I told him that all I had heard from the Government were complacent responses, and he said, "Well, I've been reading complacent responses for too long," and put his notes down. We had a little chat afterwards, and the policy changed thereafter. I would like Ministers to take that kind of initiative.

I have undertaken surveys of estate agents in my constituency for many years. The last one I conducted demonstrated that three times as many properties were sold to second-home buyers as to first-time buyers. I am sure that many people will feel that that should be addressed, but before we can address the problems that second-home ownership creates, we must define what it is. The Government have always used the difficulty of defining second-home ownership as an excuse for not addressing the issue. We could use the capital gains tax register or references to form that definition. The recent exposure of MPs' misuse of the system of electing where their primary residence is demonstrates why that area of tax and tax record needs to be properly tightened. Using the electoral register, the council tax register, the business rate register and local knowledge, I believe it would be possible to define where second homes are. Once we had achieved that, we could bolt other policies on to it, such as tax and planning controls that would allow local authorities to determine whether someone should be allowed to turn a permanent residence into a second home. I hope that the Minister has been listening and that she will pass my comments to her ministerial colleagues, and that we will get some movement on the issue.

10.39 am

Grant Shapps (Welwyn Hatfield) (Con): I congratulate the hon. Member for Westmorland and Lonsdale (Tim Farron) on securing this excellent debate, which has been of far better quality than some housing debates I have attended in this Chamber. I also congratulate the Minister, whose constituency of Stevenage neighbours my own, on her new role; it is not an easy job because the problems of rural housing, as hon. Members have explained this morning, are enormously complex and acute.

I will not spend too much of the precious time available repeating the figures that have been mentioned this morning, other than to emphasise the extremeness of the position. Six of the 10 least affordable places to live in Britain are in rural areas, the second least affordable being the south-west. There really is an emergency out there, and we have only seen the crisis get worse over the past few years.

If the problem is big, what are the solutions? I was struck by the contribution made by the hon. Member for Stroud (Mr. Drew), who spoke of the need for the Government to get more stuck in and produce more homes. He argued for a more top-down, centralised approach to housing. I did not agree with that part of his speech because it strikes me that such an approach has not worked over the past few years, but I most certainly agreed with his second point about community land trusts, particularly the excellent one in Stroud, which I shall talk about in a moment.

I also acknowledge the excellent speech made by my hon. Friend the Member for Isle of Wight (Mr. Turner), who described in detail the problem of unaffordable housing for the inhabitants of the island, many of whom are forced to move off the island to find somewhere reasonable to live. That problem was reflected in different ways by the hon. Members for Brecon and Radnorshire (Mr. Williams) and for St. Ives (Andrew George).

I turn to some of the solutions. We all agree that community land trusts could provide a large part of the solution, but the problem is that very little is actually happening. Some time ago I met Sir Bob Kerslake, shortly after he had become chief executive of the Homes and Communities Agency, who proudly told me that his ambition was for the HCA to help deliver four community land trusts by the end of this year—only four. I do not know whether it is on track to meet that target and I will be sure to ask him when we meet this afternoon, when I shall also ask whether one of those trusts is in Stroud. It seems to me that the goal is nothing short of pathetic.

The idea of community land trusts has been around for decades. Indeed, I set up a community land trust taskforce last year to try to find out why they had not succeeded, and a contributor to the taskforce explained that he had first stumbled across the idea 30 years ago. It is a mystery why things have taken this long, which the taskforce is unravelling. One of the problems, as the hon. Member for Stroud mentioned, is that even after a collection of people have got together, decided on an idea and gone out to consult the public, other bureaucratic obstacles get in the way. He said that can lead to a 10-year delay, but I can tell him that the village of Essendon in my constituency has been waiting for between 20 and 30 years for a few houses to be redeveloped, even though they are nothing more than asbestos-ridden, post-war bungalows that are falling down and derelict. I went to a village meeting in Essendon to listen to local concerns about housing and assumed that people might talk about the Government's plan to stuff 10,000 to 15,000 homes nearby, but in fact they wanted to talk about the lack of affordable housing in the village and explain to me how long they had been waiting for something to be done.

Having visited Stroud, Rock in Cornwall and most of the pilot community land trust schemes across the country, we developed the idea of local housing trusts, which would be like community land trusts. Land would be locked in perpetuity for the benefit of the local community, answering local need for affordability. However, there would be one significant difference: a local housing trust would be able to grant itself planning permission to build. During the last few months of this Government, will the Minister give serious consideration to enabling local housing trusts to go out there and do their job?

Having visited places across the country, I am convinced that there would be a large demand once local people are given the direct power to say, "This is our community and we are not prepared to sit back and wait for someone else to ride to our rescue, because we know what needs to happen here", rather than having to rely on a regional spatial strategy that orders them to place the housing in a particular area or wait for the local authority to sign off on the development of just a dozen houses in a village. The land might come from the parish, the local authority, a benefactor or a landowner, or people might have to buy the land themselves, but because that land would be on an exception site, the only buyer in town would be a local housing trust, so one would expect the houses on it to be built at a reasonable, in-between price.

That is how we can start to solve the affordable housing crisis in our rural communities. It would allow people to reinvigorate the parishes and villages that are suffering from falling populations and finding as a result that the village school cannot stay open, that the post office closed two years ago or that they cannot sustain a GP surgery. Putting people back in control and allowing them to innovate for their own communities is far more likely to achieve a solution than the vast array of quangos set up by the Government.

I invite the Minister, in her response, to take some of those ideas on board. It cannot make sense to have regional spatial strategies with a whole string of quangos under them, such as EEDA, CEDA, ERA, SERA, NERA, DERA and many more besides, none of which has delivered the kind of housing numbers we require, particularly in our rural areas. I invite her not only to match the idea of local housing trusts, with power to grant themselves planning permission, but to match our policy of allowing local areas to keep the council tax. They should keep not only the council tax that is collected at the moment, but 100 per cent of it, pound for pound, matched in addition for every single new home that is built for a period of six years. To ensure that sufficient numbers of affordable homes are built, they should keep 125p for every pound of council tax collected. That is the way to incentivise local communities and ensure that they get something back from regeneration and additional housing. If we put local people in control, trust them and give them the power, tools and incentives, I guarantee that more homes will be built. If the Minister will not do that, we will certainly be happy to.

10.47 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): It is a pleasure to serve under your chairmanship, Mr. Key. I congratulate the hon. Member for Westmorland and Lonsdale (Tim Farron) on securing the debate and on giving us an opportunity to air this vitally important subject once again in this Chamber. He obviously belongs to the William Cowper school of thought; like the poet, he believes that man made the town, but God made the country, but he extends that to the assertion that God made his constituency and did not seem to have much of a hand in any of the other 645 in the country. I will not argue about that here, as the hon. Member for Welwyn Hatfield (Grant Shapps) and I both inhabit extremely beautiful constituencies and would be prepared to argue that point outside.

I do not intend to talk much about the vitally important subject of the rural economy, mainly because the debate is about affordable housing, but I know how the two interlock and how important businesses are to rural economies, as my hon. Friend the Member for Stroud (Mr. Drew) mentioned. I know that not only as a constituency MP, but as Minister for the East of England, which has significant rural representation. In that role, I would like to counsel the hon. Members for Welwyn Hatfield, and for Westmorland and Lonsdale, not to discard completely regional spatial strategies, which have their role. The Taylor report rightly pointed out that we need to keep track of the impact of those strategies on rural areas. Indeed, a report on that impact is shortly to be published.

Grant Shapps: With regard to the Minister's plea to keep regional spatial strategies, is she aware that in both her constituency and mine it is now the RSS that is delaying homes being built?

Barbara Follett: Much as I hate to contradict the hon. Gentleman, I believe that it is the fact that the county of Hertfordshire is taking us to court over the RSS that is delaying homes being built. Also, I fear that the instruction that the hon. Member for Meriden (Mrs. Spelman) has given to Conservative councils—there are many more such councils than Labour or Liberal Democrat ones—to take the Government's money and not build houses but just lodge planning objections is having a slowing effect on building projects such as the one west of Stevenage. I believe that there have been attempts to build that for 25 years. That kind of conservatism, with a small and a large c, is putting up barriers to many of the things that we are trying to do. Charles Darwin said that it is not the biggest or the smallest species that survive, but the species that are willing to adapt, and I regret that the hon. Gentleman's party has not learned that lesson yet.

Andrew George: Much as I regret having to intrude in a local spat, I wonder whether I could bring the Minister back to the primary issue, which is the relevance and impact of regional spatial strategies, which several people have mentioned? In particular, I bring her back to the fact that because they represent the dead hand of central control, they do not allow local authorities to show their initiative, to cut deals and to address local housing need.

Barbara Follett: There are two ways of looking at control: as a dead hand or as an enabling hand. I see it as enabling—one just has to know how to work the system well. I would like to make progress, because a vast number of questions were raised, and I am not sure that I shall manage to answer them.

I know that the latest statistics from the Commission for Rural Communities show that, on average, house prices in rural areas are more than seven times higher than household income. I am even more aware that that compares unfavourably with figures for urban areas, where prices are 6.3 times the average household income. For that reason, among many others, rural housing and housing as a whole are high on the Government's agenda.

We will invest £7.5 billion in housing as a whole, from which one cannot divorce rural housing, in England between 2009 and 2011 to deliver 112,000 new affordable homes. In the past 12 months, we have built 47,000

[Barbara Follett]

affordable homes, 2,400 of which were in small, rural communities of fewer than 3,000 people. Given that we were—and still are, to some extent—in the middle of one of the worst recessions in living memory, that is no mean feat.

Grant Shapps: Will the Minister give way?

Barbara Follett: I am sorry, but I have to make progress.

Throughout the recent downturn, we have taken steps to secure housing growth and to support the construction industry. Measures such as the 2009 Budget stimulus package, the housing pledge and the local authority home building programme—yes, indeed, it has started again—commit the Government to invest a further £1.5 billion to build 20,000 more new affordable homes by the end of next year.

The Kickstart programme, which, as its name suggests, aims to get stalled sites building again, is also moving ahead. Indeed, of the 37 approvals in Kickstart round 1, 14 are in rural areas, where schemes for up to 30 units were allowed to bid for funding. By contrast, in urban areas, schemes had to have at least 50 units to be eligible. In addition, as part of the housing pledge, the Government have allocated £7 million to rural authorities to build more than 200 new social rented homes in small settlements across the country.

We know that rural areas face particular challenges, such as a shortage of suitable sites and a lack of infrastructure, which make it more expensive to deliver an affordable home in a rural area than in an urban one. That makes the targets that we set at the beginning of the current spending review period for the delivery of affordable homes in rural areas even more challenging than those set for other areas. *[Interruption.]* I am about to deal with that.

Sadly, the target of the Housing Corporation—now known as the Homes and Communities Agency—which was originally for 10,300 affordable homes to be delivered in small rural settlements between 2008 and 2011, has had to be reduced to 8,500, thanks to the toughest market conditions in living memory. However—this is important—that target is an ambition, not a limit. We hope that we can secure more new affordable dwellings through Kickstart and local authority new-build programmes.

As the hon. Member for St. Ives (Andrew George) said, planning has a major role to play in the delivery of affordable homes in rural areas, and planning policy statement 3, which the Government introduced in 2006, makes local authorities responsible for providing housing that contributes to the creation and maintenance of sustainable communities in market towns and villages. It also gives local authorities some of the power for which hon. Members have been asking. We allow local authorities to set site size thresholds that are below the national minimum, and, where practical, they can grant permission for 100 per cent. affordable housing on small sites that would not normally be released for housing.

Since the rural White Paper of 2000, all Departments have had to rural-proof their policies. In 2007, the hon. Member for Truro and St. Austell (Matthew Taylor) was invited by the Prime Minister to report on

"the application of land use planning to facilitate the provision of land for greater economic and social sustainability within rural communities".

The hon. Gentleman's report, entitled "Living Working Countryside", was published in 2008, and my Department, along with the Department for Environment, Food and Rural Affairs, has published a joint response, which sets out the actions that we will take to implement it. In April, one of those actions resulted in £500,000 going into a three-year project to establish a sustainable community land trust sector, in which independent, not-for-profit organisations own and control land and facilities for the benefit of the community.

We have also done a great deal to allow people to purchase homes under our low-cost home ownership schemes, and here I would like to try to deal swiftly with the access-to-loans issue that hon. Members have raised. It is a real problem, and, as both a Department for Communities and Local Government Minister and a regional Minister, I have meetings with the banks to ensure that those who wish to buy affordable homes can get the credit that they need to do so. We are working with lenders on that, and HomeBuy Direct, Halifax, the Royal Bank of Scotland, Nationwide, Woolwich and HSBC have all agreed to loosen some of their risk-averse practices, but we still have to work hard to get the money flowing again.

Section 106 has proved a real problem, but we shall introduce community infrastructure levies, which are currently out to consultation. We hope that they will be in force in 2010, and that they will be a more efficient and more sustainable means of delivering infrastructure via the developer and the local authority. I wish to end by saying that affordable housing in rural communities is a problem, but one that this Government are doing their best to solve, and I would welcome the co-operation of other parties on the matter.

Farm Animal Welfare

11 am

Mr. Chris Mullin (Sunderland, South) (Lab): I intend to highlight the importance of public sector food procurement and the role it has to play in improving animal welfare standards for meat and poultry in the United Kingdom and abroad. I will concentrate on one key area of public procurement—eggs—although the argument could equally apply to pork or any one of a number of factory farmed products. I call on the Government to introduce legislation that will prohibit the public sector from buying eggs produced by caged hens and encourage the purchase of eggs produced to higher animal welfare standards, progressing on a sliding scale from barn eggs, to free range to organic, including eggs that are purchased individually as well as those used as ingredients. In doing so, I wish to make a larger point about public sector food procurement, which is that fine words and lofty sentiments are not enough. The Government must take the lead by introducing mandatory health and sustainability standards for all public sector food. I place on the record my thanks to those estimable organisations, Sustain, Compassion in World Farming and the Royal Society for the Prevention of Cruelty to Animals, for the part that they are playing in helping to achieve this goal.

There are four legally recognised categories of eggs: caged, barn, free range and organic. Caged eggs are produced to the lowest standards of animal welfare, from hens in cramped, tiered cages with sloping mesh floors. Each hen has an equivalent living space of 550 sq cm, which is less than an A4 piece of paper. The strength of public opposition to cage-produced eggs resulted in a decision by the European Commission to outlaw the sale of caged eggs by 2012. Barn eggs, free range and organic eggs are reared to considerably higher standards: they come from hens that have access to litter and to the nest site of their choice. They can flap their wings, exercise and explore their environment.

History shows that achieving real improvements in the health and sustainability of public sector food is only possible by introducing mandatory standards. The Government's success in revolutionising school food was achieved because legislation was passed to introduce mandatory nutritional guidelines monitored by the School Food Trust. Indeed, the problem with public sector food has not gone unnoticed by Government. There has been a rash of activity, which no doubt the Minister will tell us about in a moment, aimed at improving the nutritional value and sustainability of public sector food by voluntary means. Although well-intended, such projects have failed precisely because they were introduced as voluntary initiatives and missed out on the concrete benefits that would have been achieved by introducing mandatory standards.

Millions of pounds of taxpayers' money has been wasted on such initiatives. The £40 million spent on the better hospital food initiative in 2001, for example, which introduced new menus for hospital food devised by a celebrity chef, did not achieve a step change in the nutritional quality of hospital food. A more integrated attempt to improve public sector food under the six-year public sector food procurement initiative, managed by the Department for Environment, Food and Rural Affairs, which was introduced in 2003 and wound up this year, is another example of good intentions that did not lead to real change—at considerable cost to the taxpayer. An evaluation conducted by Deloitte tactfully concluded that

"take-up of the initiative was limited."

Both schemes had some short-term successes, but they were expensive and did not achieve long-term change. The moral of the story is clear: voluntary schemes do not work; real change depends on introducing mandatory standards.

David Taylor (North-West Leicestershire) (Lab/Co-op): My hon. Friend is focusing on egg production, but chicken meat and other areas are just as important. The Minister, who is a decent and able man, may respond by saying that Departments are required to seek best value, from which we infer that they obsess to an extent on price. Does my hon. Friend agree that husbandry, locality and quality should be incorporated within that best-value concept and that that will drive up nutritional standards, as well as the welfare standards in respect of the animal products we use?

Mr. Mullin: Yes, I agree. I will touch on some of those points later.

Dr. Andrew Murrison (Westbury) (Con): Does the hon. Gentleman agree that price has to be important, because we are talking about public bodies? One reason we have price inflation is because the consumer—the bulk of those purchasing foodstuffs in this country—is unable to differentiate between products that are produced to our own high welfare standards and those that are produced elsewhere to a standard that falls far short of that. Would it not be best if we were able to give consumers proper choice? If that happened, the competitive disadvantage of our own producers would be, to some extent, erased and one would hope that prices would fall as a result, generating a win-win situation for both public sector bodies and animal welfare.

Mr. Mullin: Yes, I am in general agreement with the hon. Gentleman on that. However, price is not the only consideration. I have always believed that we have to take into account the consequences of our actions. As all those hon. Members who have taken an interest in factory farming know, it involves some disgusting practices that many farmers deeply regret; in fact, many farmers feel forced into pursuing such practices by the continuous drive to the bottom that occurs if price is the only factor. The hon. Gentleman is right: there is no point making the reforms here if imports produced in countries that do not observe the same standards are dragged in. We have to bear that in mind.

Procurement standards across the public sector vary widely. Some public sector organisations have made tremendous progress in buying healthier food from sustainable sources. Lancashire county council, for example, must be credited for its decision to go cage-free. The council uses more than 500,000 eggs a year and has changed its supply to free-range eggs for its schools and care homes, which will liberate more than 2,000 hens from battery cages every year. So far, about 40 local authorities, out of a total of 468, have followed Lancashire's example and committed to going cage-free. Were others

[Mr. Mullin]

to follow suit, it would surely have a powerful impact on the welfare of hens and would help lower costs and prices and would, therefore, encourage the private sector to do likewise.

I am pleased to report that numerous schools, hospitals and universities are also switching. Other taxpayer-funded organisations are going cage-free, including the BBC, the British Library, Transport for London and the House of Commons. However, caged eggs continue to be served across the public sector, in schools, hospitals and care homes. There is a postcode lottery in public sector food procurement. The missing ingredient required to address that is compulsion. I fear that further voluntary initiatives, such as the healthier food mark, will simply use more public funds on ineffective interventions that will achieve neither better quality food, nor healthier consumers.

The public are ready for change. There has been a huge increase in consumer awareness of the appalling animal welfare standards involved in caged egg production and a significant increase in sales of eggs that meet higher welfare standards. Nearly half of all eggs sold in UK supermarkets now come from higher welfare systems. So we have made considerable progress.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The hon. Gentleman makes an important point about the market driving improvements in animal welfare, with 50 per cent. of eggs sold in supermarkets being free range. Surprisingly, all the eggs served by McDonald's, for instance, are free range now. That is a testament to the power of the market.

Mr. Mullin: It certainly is because, as we know, McDonald's is ruthlessly moved by the power of the market, and where it goes the public sector should surely be able to follow.

Last year, concern about the link between intensive farming and the emergence of virulent forms of flu, including swine flu from pigs, has increased pressure on meat and poultry producers to examine the conditions in which their animals are reared. In the poultry industry, the unhealthy and overcrowded conditions endured by intensively farmed chickens may have contributed to the creation of virulent strains of avian flu. Such concerns have, in part, influenced consumer opinion, which has begun to swing resoundingly against caged eggs. Witness the fact that Sainsbury's, Marks and Spencer, Waitrose and the Co-op have already taken action and banned the sale of caged eggs in their stores. Commercial operators are subject to the whim of their customers, and decreasing demand for eggs reared in caged conditions represents public feeling. A MORI poll in July 2005 showed that a majority of UK consumers believe that cages are cruel and should be outlawed. It is time that the public sector caught up with what has become best practice in a large part of the private sector.

Mr. David Drew (Stroud) (Lab/Co-op): Does my hon. Friend accept that part of the problem is that the EU has dragged its feet and that, to be fair, the UK Government would have gone further and faster? Limitations must be properly constructed to ensure that third country imports of poor quality produce do not come here. Otherwise, people will be cheated.

Mr. Mullin: I absolutely accept that, and I touched on it in my response to the hon. Member for Westbury (Dr. Murrison). Perhaps I should also have said that consumers are entitled to much better information about where their meat comes from, which requires proper labelling.

It has not been possible to calculate the exact percentage of caged eggs purchased in the public sector, but it is a matter of record that the dreaded race to the bottom in public sector food procurement—where organisations are required to find the cheapest price for food products regardless of other considerations—often results in the purchase of the least healthy and least sustainable food option available. That is no fault of public sector caterers, but merely reflects the environment in which they must work. Progress has been slow. Only 40 of 468 local authorities have followed the example of Lancashire county council. Sadly, it remains the case that the overwhelming majority of eggs purchased in the public sector are caged eggs. As the hon. Member for Brecon and Radnorshire (Mr. Williams) said, that is at a time when companies such as McDonald's, Subway and Starbucks buy free range eggs.

The trend towards free range and organic eggs has resulted in a strong supply base for those products. Market results from last year show that 47 per cent. of the UK's egg market is for non-caged eggs, and that sales of free range eggs have increased by 12 per cent. since the previous year—a trend that is expected to continue.

If the fact that the commercial sector is leading the way on higher animal welfare standards for eggs is not sufficient motivation for the Government to prohibit the purchase of caged eggs, there is a simple business case for doing so. Prohibiting public sector procurement of caged eggs would bring down the cost of barn, free range and organic eggs over time by achieving economies of scale secured by long-term public sector contracts.

Compass Group, the biggest contract catering company in the world, has already expressed support for the introduction of mandatory standards for the procurement of public sector food. In evidence to the Council of Food Policy Advisers, a body created by the Minister's Department, Compass stated that mandatory rules would simplify the procurement process, bring more local suppliers into the supply chain, and bring down the cost of food that meets higher sustainability criteria, including animal welfare standards.

Abundant evidence suggests that healthier and more sustainable public sector food would not increase the cost to the public purse, but bring it down. The East Ayrshire schools' food for life partnership showed that buying organic local produce had an almost immediate effect on the local economy by creating jobs and increasing profits. It also anticipated longer-term public savings in reducing diet-related ill health and carbon emissions.

The British egg industry would also benefit. It has come a long way in recent years. British egg producers should be rewarded for high-quality eggs reared to high animal welfare standards. A ban on caged eggs in the public sector would be a huge boost for the British egg industry because their supply is more easily available and cheaper when sourced in the UK. We should not forget that there are still more than 300 million laying hens in Europe, more than two thirds of which are housed in battery cages. Without mandatory standards,

a cheap and tempting alternative market exists for public sector caterers who want to continue bumping along the bottom.

Taxpayer's money should be spent on public sector food with a positive rather than negative impact, and for the benefit not just of animal welfare, but of our health, the environment and local economies. The only way to be sure that public sector food serves that purpose is to lead by example.

David Taylor: Will my hon. Friend pick up an idea that many of us on the Select Committee on Environment, Food and Rural Affairs promoted some years ago that Departments should be prohibited from purchasing food that is produced to anything less than the standards incorporated in the red tractor scheme?

Mr. Mullin: Yes. That is a reasonable, desirable and achievable goal, given the necessary political will.

More than £2 billion of taxpayers' money is spent on public sector food each year. The average British taxpayer forks out approximately £70 a year on food purchased, prepared and served in the public sector. Numerous benefits can be achieved by introducing mandatory health and sustainability standards for the food that that money pays for. Public sector food should help to solve environmental health and social problems, rather than exacerbate them.

The United Nations calculates that the global food system is responsible for between 20 and 30 per cent. of the world's greenhouse gas emissions. Introducing mandatory sustainability standards for public sector food would have a significant impact on changing what we buy and eat in the UK, and on the environment in due course. That could be achieved by setting an example of sustainable consumption for public sector food consumers, and would have a big impact on bringing down the cost of sustainable produce for the benefit of all consumers.

That would be only a first step. The arguments applying to eggs apply equally to other produce. Creating demand for sustainable produce in the public sector would bring down the cost of organic fruit and vegetables, sustainable fish, and animal welfare-friendly meat and poultry. Mandatory health standards for the public sector would improve health, not least for schoolchildren, hospital patients, and members of the armed forces, many of whom eat public sector food three times a day. It has been estimated that in the UK alone 70,000 premature deaths are caused by diet-related ill health. Public sector food should aim to bring that figure down rather than drive it up.

In a nutshell, a Government commitment to purchase only free range eggs would improve animal welfare, support British farmers, and not increase costs. That can be achieved only with mandatory standards, not by yet another voluntary initiative. It would command great public support and bring public sector food into line with the food that people generally consume at home. That is what is commonly referred to as a no-brainer. I rest my case.

11.19 am

Tim Farron (Westmorland and Lonsdale) (LD): I am on early, but I probably will not keep my speech going for 40 minutes. In fact, you would not be grateful if I did, Mr. Key.

Mr. James Paice (South-East Cambridgeshire) (Con): I hope not.

Tim Farron: I concur with the comment from stage right; I will not be long at all.

It is a great pleasure to serve under your chairmanship again this morning, Mr. Key. I sincerely congratulate the hon. Member for Sunderland, South (Mr. Mullin), who secured the debate, on seeking it in the first place and on raising a tremendously important issue. The bulk of his speech was about caged eggs, which is a seriously important issue. Movement away from caged eggs towards humane forms of farming is essential, and UK poultry farmers are leading the way in ensuring that the most humane forms of egg farming become the norm. It is important to say that at the beginning.

We are encouraged to think of ourselves these days as active consumers, not passive participants, and we exercise that power positively and negatively. Like many other hon. Members present, I suspect, and others here, I exercised my own personal boycott of companies that gave succour to the apartheid regime in South Africa, for example. On a positive note, like many others present—probably most of us—I use my consumer power to buy Fairtrade products and locally sourced food.

However, our power as consumers is surely never greater than when our collective power is exercised through public bodies, acting on behalf of us all, choosing to purchase goods and services ethically. How we spend the £2 billion of taxpayers' money that goes on food each year is immensely important. It is even more important than my refusal in the 1980s to allow Barclays the privilege of managing my student overdraft. We can influence an awful lot of producers and, as we have heard, an entire market with £2 billion. This debate allows us to hold the Government to account for their failure to use that influence positively to date.

David Taylor: The hon. Gentleman is right to point to the scale of the concerns with which we are dealing. Is he aware that the number of chickens bred for meat in this country is about 800 million a year and that the scale of cruelty quite often involved in their breeding and slaughtering is such that anyone who cares about the way in which we treat sentient animals that we are to use for food would be grossly offended? Should we not be focusing on that, as well as on the worthy intentions of my hon. Friend the Member for Sunderland, South (Mr. Mullin)?

Tim Farron: Yes. One measure of a civilised society is how we treat our fellow animals. What I am concerned about and what I know the hon. Gentleman is concerned about is how we use the power of the public purse to achieve the transformation to which he refers. It is incredibly important. The Government have not used their power appropriately or sufficiently and have failed to build animal welfare and other, broader ethical concerns into their procurement policies when they could have done so.

In response to the intervention from my hon. Friend the Member for Brecon and Radnorshire (Mr. Williams), the hon. Member for Sunderland, South referred to the reality, which is that McDonald's is ahead of the UK Government. I would have thought that was a serious embarrassment to the UK Government and an indictment

[Tim Farron]

not only of the policies of central Government, but also of the many different agencies and bodies that spend taxpayers' money.

There is much to be horrified by, as has been said, but we can be encouraged by the fact that animal welfare standards in the UK are just about the best in the world, and that includes welfare standards at farms that are industrial in scale. As a consequence of our high standards, consumers, including me, buy British as a fairly reliable proxy for shopping ethically. Buying British not only reduces food miles while supporting local farmers, but rewards producers who put animal welfare at the heart of everything that they do, not just in egg production but with regard to all food production.

Mr. Roger Williams: My hon. Friend is making very important points. Egg producers in this country often complain that eggs are imported from areas that have lower welfare conditions, but they also complain that eggs are imported not only as whole eggs but as egg products—liquid egg and powdered egg—so it is almost more difficult to ascertain their source of origin. Those products go into the manufacture of confectionery and so on. The Government ought to be addressing egg products as well as eggs.

Tim Farron: That is absolutely right. My hon. Friend raises a range of issues, one of which I shall come to in a moment—that farmers who farm ethically can find themselves at a competitive disadvantage. There is the broader issue about honesty in labelling, although one hopes that public sector procurers understand what they are buying. If products being purchased in bulk are reconstituted and come from producers with poor animal welfare standards, the consumer needs to be protected generally through honest and accurate labelling, but surely the state—the public sector—will not have the wool pulled over its eyes; it will know what it is buying. There is no excuse for central Government and Government agencies.

Mark Williams (Ceredigion) (LD): Does that not go to the heart of the matter? The new draft standards for the Government's healthier food mark still assert that those bulk-buying products have been subject to

"high standards of animal welfare",

despite the fact that we are still using battery eggs and factory-farmed pork and chicken.

Tim Farron: Absolutely. My hon. Friend makes an extremely good point and it leads us on to what we need to do to support those farmers at home and—dare I say it?—abroad, who are doing the right thing. The hon. Member for Sunderland, South correctly stated that if we back humane egg producers and, indeed, humane farming of all kinds, we shall see an increase in the size of that sector and in its economic health, which will lead to economies of scale and drive down costs. That is tremendously important.

The Government say that they back animal welfare standards at a high level, but when it comes to putting their money where their mouth is, they fall well short. They do not take the lead, which is what we expect of a Government, yet this is a matter in which it is quite simple to take the lead. It is not a case of persuading others to do the right thing; it is something that they can do almost with the stroke of a pen.

The public sector spends approximately £2 billion every year on food procurement, providing more than 1 billion meals for Departments, schools, prisons and hospitals. The national health service is the largest purchaser of food in the country. It spends £500 million, which is nearly a quarter of the total public sector food budget. However, as much as 75 per cent. of the meat products used in our hospitals are imported from abroad.

In Whitehall, the problem is just as bad. I do not think that I have ever had the privilege of going to the Treasury and consuming anything there, but only 60 per cent. of the meat served to staff and visitors to the Treasury is sourced from British farms. The same applies to the proportion of meat sourced from the UK by the Department for Work and Pensions. As has been said, no doubt cost minimisation is the major criterion for those in charge of food procurement, but surely we should ensure that Government policy is not compromised by the rush to get a cheap deal.

In 2005, the British Pig Executive estimated that 70 per cent. of the pig meat imported to the UK was reared in conditions that would have been illegal in this country. Is it right that when it comes to public procurement, taxpayers' money should be used to endorse and encourage what would be in this country illegally low standards of animal welfare?

The reality is that Departments subcontract catering and often, therefore, procurement to private firms, but it is not acceptable for Ministers to wash their hands of the responsibility. It is entirely possible for tender documents to specify conditions based on quality, animal welfare and local sourcing, and this debate gives the Minister the opportunity to say that he will ensure a change of policy to make that happen.

Ensuring strict animal welfare standards across the European Union is hard because not every member of the Union places the same value on animal welfare as we do. As we have mentioned, that means that standards in the UK are significantly above those of many of our competitors, and it also means that the costs incurred by our farmers are higher. It is not right that our farmers should be at a competitive disadvantage for doing the right thing.

We need to do more than simply employ sticks to beat our farmers if they do not comply; we should also offer a carrot, rewarding and encouraging them for leading the way on animal welfare. What better way to do that than by using taxpayers' money to buy their produce?

There should be an enforced code of conduct across all Departments and the wider public sector, including the NHS, quangos and other Government agencies and arm's length bodies. It should include criteria for procurement that ensure that food is sourced locally from within the UK and from producers who comply with the highest animal welfare standards. I urge the Minister to confirm that he will agree to institute and enforce such a code as a matter of urgency.

11.30 am

Mr. James Paice (South-East Cambridgeshire) (Con): I am slightly disappointed that there has not been more interest in the debate from hon. Members on both sides

of the House, although we are obviously all conscious of the pressure on Members' diaries. None the less, I congratulate the hon. Member for Sunderland, South (Mr. Mullin). In former times, when he was a DEFRA Minister, he and I debated some of the issues before us, and I know how strongly he feels about them. I do not think that there is anybody in the House who is not enthusiastic about improving animal welfare—the issue is how we go about ensuring that we have genuine improvement, rather than something that simply salves our conscience by letting us think that we are doing something about the issue.

At the start, I want to pick up one of the points that the hon. Gentleman made. At one stage in his speech, which I endorse and support, he seemed to confuse sustainability and welfare with the health issues raised by the quality of one's diet. It would be unwise to imply that eating caged eggs, for example, was any less healthy than eating free-range or any other eggs. One can make all sorts of arguments for not buying caged eggs, but we must be careful not to imply that they are any less wholesome. Indeed, perversely, they are probably slightly safer if anything, because it has been shown that the level of salmonella in them is considerably lower than in free-range eggs. That is an issue, and we have to be careful not to mislead the consumer.

Before I address public procurement, there is another animal welfare issue that we have to consider. When we introduce measures and pass regulations in this country, we have to be certain that we are not simply exporting lower standards to other countries. We did that in the pig industry in 1992—I say this as a former member of a Conservative Government—when we banned stalls and tethers. There was massive support for that, but it is one reason why our pig industry has halved in size since then. The ban is not the only reason why that happened, and it would be wrong to blame it alone, but it put something like 5p per kilo on the cost of finishing pigs. It was quite a serious issue, but we almost certainly did nothing at all for pig welfare, because the industry simply moved to countries that continued to use stalls and tethers. The EU has now taken steps to ban tethers, which is welcome, but the measures are not in place yet, so we are, as the hon. Member for Westmorland and Lonsdale (Tim Farron) said, importing large quantities of pigmeat produced from pigs kept in stalls and, indeed, tethers. We have not, therefore, helped the welfare of pigs overall, even though we might have done something, as I suggested earlier, to salve our conscience.

Mr. Mullin: The hon. Gentleman is making a perfectly reasonable point, but I urge him not to be too hard on the measure that his Government introduced many years ago. It is just possible that it was one of the things that forced the generally somnambulant EU into trying to ban tethers across the region, although I appreciate that it is taking a frustratingly long time to introduce the ban.

Mr. Paice: I am happy to accept that it may have been one of the reasons why the EU was eventually persuaded to apply the same rules across the whole Union.

That brings me conveniently to the issue of eggs, on which the hon. Gentleman concentrated, and on which I want to ask the Minister a couple of questions. As the hon. Gentleman said, the EU has banned conventional battery cages from 1 January 2012. Working backwards from that date, and bearing in mind the lifespan of a chicken, we can see that the eggs from whose the last batch of chickens in cages will hatch will be set to incubate next spring, so we are not far away—one or two other things may hatch next spring, but we shall see. The eggs will be incubated next spring, and the pullets will grow up and be put into cages about this time next year. They will be the last batch to go into battery cages.

The time scale is therefore tight, and I am already concerned about two things. First, quite a lot of British producers have not yet invested in alternative systems, and they are going to find life very difficult. Many of them have been to see me, as I am sure they have been to see the Minister, to press for derogations. Personally, I am not particularly supportive of derogations, because there has been plenty of notice, but—this is a big but, and it prompts my request to the Minister—producers are now telling me that a number of countries actually have derogations, Poland being one example. I hope that the Minister will be able to give us details of the derogations that the EU has granted to allow some countries to continue using conventional cages, because such measures will fly completely in the face of attempts to raise standards. That will mean, given the single market, that we will still be able to import eggs produced in conventional cages, and our producers, who will have made the necessary investments, will be at risk of being undercut. This is therefore a serious issue, and I hope that the Minister can address it. My view is that there should be no derogation and that animal welfare should be improved across the whole EU at a particular stage to minimise unfair competition.

As the hon. Member for Brecon and Radnorshire (Mr. Williams), who has just left the Chamber, said, a significant amount of egg is brought into the country in powdered or liquid form. Quite a lot comes from the United States, and it also comes from elsewhere in the world. I am not suggesting that it will be easy to deal with the issue, and I do not know whether such products have the levels of traceability that we would like, but it is a pretty clear bet that they will be from caged eggs, which will be a significant part of the cost of production.

Let me move on to the labelling of food before trying to draw the different threads together. The House has been debating food labelling for many years, and certainly since the era when the changes in pig welfare that I mentioned were made. Governments have frequently said that they are working with industry to improve things, but as Conservative party studies have demonstrated—we referred to this earlier this year—the public are clearly still being misled. People will say that is unlawful and that the law bans misleading labelling, but I am not sure whether the Minister could point to any prosecutions. Public surveys in which members of the public have been shown labels show that people are clearly confused by them. The Minister's predecessor, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), was quite struck by how deceptive labelling was when she and I did a Jamie Oliver programme about the labelling of pigmeat products.

Nothing has really changed. We now find that the Food Standards Agency, dealing with EU regulations on the Government's behalf, is voting against EU proposals that would help to clarify food labelling legislation. On the DEFRA website, we read:

[Mr. Paice]

> "The Food Standards Agency...advises that if meat is described as British it should be made clear where the animal was reared and slaughtered and where processing took place".

Frankly, that is not good enough. If meat is described as British the animal should have been born, reared and slaughtered in this country. There should be no scope for misleading people about that, which is why my party has committed itself to legislation—although our campaign has been so successful that a large number of supermarkets, including Tesco, have voluntarily set about altering a lot of their labelling. We are obviously very pleased about that.

That approach is essential, because the only way the consumer can exercise choice, whether on price, welfare standards, country of origin or anything else, is by being correctly and properly informed about what is available, and sure of buying what they think they are buying. Once that has been got right, there is an opportunity for the industry to market its wares and exploit the higher welfare standards and, indeed, to be negative about the standards of some imports. It is for the industry, not Government, to grasp that opportunity, but Government should create the framework that enables it to happen.

The debate is about public procurement, and as the result of much pressure in the past few years the Government are moving in the right direction on that issue. It would be churlish of me to deny that. However, I do not think that they have a great deal to be complacent about, because there is a long way to go. I shall refer to some figures in a moment, but it is important to note that when comparing Departments one is dealing with widely differing budget levels, and it is necessary to be a bit careful. I found one table on the Department's website, headed "Comparison of average total percentages of commodities of UK origin". It gives the total average of each commodity—meats, vegetables and so on—for 2006-07 and 2007-08, and demonstrates a 2 per cent. increase on the total average. It is an average of averages, and I know that you, Mr. Key, are wise enough not to take too much notice of averages of averages. It is fairly meaningless, and, when one adds to that fact the massive difference between the budgets of Departments, clearly, averaging averages is even more absurd.

The same website has a table of contracts specifying certain objectives. The total value of food provided under catering contracts for the Department for International Development, for example, was just £280,000—one of the lowest amounts. For the Prison Service the value was £1.72 million. For the Ministry of Defence, obviously, the figure was considerably more, and for the NHS it was several million pounds. Thus 100 per cent. of one Department's food budget would, in the wider context of public procurement, mean nothing by comparison with the budgets of the big Departments.

That leads me to some percentages. If we consider some individual commodities—concentrating on the animal foods sector, because we are debating welfare—we find that just 15 per cent. of poultry meat for the Ministry of Defence is of UK origin. The figure is 0 per cent. for bacon, and 19 per cent. for mutton and lamb. Those figures are atrocious, and they are percentages of a very large budget. I quoted the figures pertaining to DFID's very small budget, but actually even its percentages are not very good: just 28 per cent. of its poultry meat, 87 per cent. of its mutton and lamb and 15 per cent. of its bacon are of UK origin. In the Department for Children, Schools and Families just 33 per cent. of poultry meat, 9 per cent. of beef, 0 per cent. of mutton, lamb and bacon, and 6 per cent. of pork are of UK origin. Those are horrendous figures.

What should be done about that? Mention has already been made of the little red tractor, and I make no apologies for the fact that we believe it is completely wrong and immoral to spend British taxpayers' money buying food that is produced to standards that would not be allowed in this country, because Parliament has set rules about how farmers must produce food. We can argue about the adequacy of those rules, and the hon. Member for Sunderland, South and I may differ slightly on that point, but the fact is that we have passed laws about welfare standards in this country, and we import meat that may not meet those standards. That is unacceptable and immoral, and it should change, which is why all public procurement contracts must be moved towards requiring farm assurance—little red tractor—standards. I know that we cannot insist that the food should have that mark, because that could be construed as insisting on UK provenance, but we can ensure that the food is produced to the same standards. That is the best way forward, and it is why we are committed to that approach for all central Government budgets. We are currently considering how to extend it through the devolved area of schools and hospitals. We believe, because of our principles of localised decision making, that they should make their own decisions.

The hon. Member for Sunderland, South and other Members referred to the good examples of public bodies, such as schools, some hospitals and at least one or two local authorities, which have gone about doing what we would all probably propose, demonstrating that, contrary to the argument constantly put forward by central Government that we must bulk-buy because it is so much cheaper—I do not blame the present Government uniquely—when devolved power is driven down to local bodies, those bodies can procure food just as cheaply, and probably to a higher standard.

There are many good schools in my constituency, but I want to mention St. Mary's primary school in the city of Ely, which took responsibility for its catering back from the county school food service. It gave the budget to the school cook—none of this arty-farty food technician nonsense—and she goes out and buys food locally. It may not always be of local provenance, but it is good quality food. She has substantially increased the uptake of school meals, which are much nicer. The quality is good and the cost is no more than it was under the old centralised system. It is excellent, and I go there at least once a year to have lunch with the children. Other schools are following suit, and indeed another Ely school asked St. Mary's for support with its catering, because of that success.

There are countless other relevant examples. The county of Cornwall, which I accept is run by a different party from mine, has done a great deal to source Cornish food for its requirements; it can be done. However, it can be done only with a dramatic change of mindset among bureaucrats at all levels, so that they say "Let's devolve and give responsibility to the people in charge, who will actually prepare the meals." In that way we

shall make substantial strides towards ensuring, as everyone has said, that the £2 billion of taxpayers' money that is being spent really creates the example we expect others to follow.

11.48 pm

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): It is a pleasure to see you in the Chair, Mr. Key. I congratulate my hon. Friend the Member for Sunderland, South (Mr. Mullin) on securing this important debate, and I welcome it as an opportunity to outline the Government's absolute commitment to the improvement of the welfare of animals.

The UK has the highest animal welfare standards that we have ever had; they are among the highest in the world. For example, this year we reached agreement on a new regulation on the protection of animals at the time of killing, as well as on an EU ban on the trade in seal products. At home, we have introduced new legislation, the Animal Welfare Act 2006. Now anyone responsible for an animal must take steps to ensure that its welfare needs are met. In addition, the Welfare of Farmed Animals (England) Regulations 2007 set requirements in respect of general welfare, inspection, housing and feeding for all farmed animals. Enforcement action can be, and is, taken against farmers who do not comply with that legislation, which is supplemented by species-specific welfare codes. Stock keepers are required by law to be familiar with and have access to those codes, which encourage high standards of husbandry.

Furthermore, last autumn we ran a very successful campaign to help laying hen producers to make informed business decisions. The campaign outlined the options that will be available to them when conventional cages are banned in 2012. It is vital that we work in partnership with the agricultural sector, and we were very grateful for the industry's support for the campaign. In July, I wrote to the industry restating our commitment to the 2012 EU-wide ban on conventional cages, but reassuring the industry that we would do all that we could to ensure that those UK producers that have already converted from conventional cages were not disadvantaged. To that end, we pressed the Commission for an intra-Community trade ban on eggs produced by hens in conventional cages after 1 January 2012.

In response to the question asked by the hon. Member for South-East Cambridgeshire (Mr. Paice), let me say that we understand that no derogations are in place. I am sure that he is right that some countries will seek derogation, but one of the protections that we would try to put in place, if such derogations were allowed, would be to say, "Okay, you can perhaps ring-fence, temporarily, but you can't export any products." That would keep up the pressure. It would also give our producers some solace to know that they will not be disadvantaged. As the hon. Gentleman knows, those discussions are ongoing.

We have also pressed the Commission to introduce into the EU egg marketing regulations a code 4, to signify eggs produced by hens housed in enriched cage systems—those required to have nest boxes, litter, perch space and claw shortening devices—so as to differentiate those eggs from conventional cage eggs, which remain classified as code 3. That will be an additional protection to designate the improved status of those hens. That will aid enforcement and create an improved economic environment for those producers that have already converted.

I accept what was said by the hon. Member for South-East Cambridgeshire, my hon. Friend the Member for Sunderland, South, and others on clearer labelling generally. The House will know that we are working hard with the food industry to improve labelling in the UK, and we are working hard within Europe on all aspects of labelling—country of origin, provenance and so on—for the benefit of consumers.

On the alternatives to conventional cages, there is no scientific evidence to favour one legal production system over another. Each has its strengths and weaknesses. Research has shown that free-range and barn systems may result in higher mortality, an increased occurrence of painful fractures and a greater risk of feather pecking, cannibalism and predation than a system of enriched cages. However, enriched cages offer the challenge of allowing hens the freedom to express normal behaviour. The EU Commission, in its 2008 report on the welfare of laying hens, and the Farm Animal Welfare Council, which advises the Government on on-farm animal welfare issues, both recognise the welfare benefits of enriched cages, and they have given their support to that system of production.

Although we have been working hard to ensure that the supply side supports ever-higher welfare standards, we have also been trying to increase demand for healthier, more sustainable food by showing leadership in the public sector. The public sector food procurement initiative—the PSFPI—has been a driver for change. A review of the PSFPI last year showed that there had been clear progress against its objectives, which include promoting animal welfare. However, we know that there is still room for improvement, which is why we are continuing to take forward a number of initiatives.

One of the key challenges raised with us by stakeholders from all sides is the need for the Government to set out a consistent and coherent view of what the food system should look like in the future. That is why we are developing a food strategy to bring together the various elements of food policy, with the aim of setting out a vision for the food system in 2030. The part on animal welfare will echo the wording in the leaflet "The Future of our Farming", published in August, which says that good farm businesses are those that produce high-quality food to high environmental and welfare standards.

The first of those elements is the healthier food mark. For the first time, there will be a national food procurement scheme that seeks to combine both nutritional and sustainability criteria. More than 60 public sector organisations volunteered to be part of the first phase of the pilots. The healthier food mark includes two criteria that address the issue of animal welfare. The first criterion, which aims to ensure that

> "100 per cent. of meat and meat products are farm assured...as a welfare minimum",

has been included in the list of proposed criteria for the healthy food mark. Public sector food procurers are not restricted to sourcing produce from the UK. Indeed, everyone will be aware that they are legally required to ensure that tenders are open to all suppliers. However, by including that criterion we are ensuring that meat

[Jim Fitzpatrick]

and meat products procured by the public sector meet UK animal welfare standards, which in many respects go beyond EU minimum legal requirements.

[JIM SHERIDAN *in the Chair*]

The hon. Member for Brecon and Radnorshire (Mr. Williams), who is not in his place, asked about egg products as well as eggs. The healthier food mark pilots will be asked to consider that issue, and will extend beyond eggs.

Mr. Mullin: My hon. Friend makes a powerful case for the direction of travel that the Government have taken over the years. May I ask him to address the question of compulsion versus voluntary codes? That was one of the main points that I was trying to make.

Jim Fitzpatrick: My hon. Friend makes an entirely valid point. I know that his position is that we should travel down the route of compulsion. He is correct to say that I am trying to make a case for the good progress that has been made, and to outline what we are trying to do through encouragement. As I shall explain, we are trying to approach procurement in a quasi-voluntary way, but with a clear identification of higher standards that can be measured by those in public procurement positions. That is on top of measures introduced through the Animal Welfare Act 2006, and measures that we are securing in the EU, through our discussions about cages, stalls and the rest of it. That is a multifaceted attempt to drive up standards by means of the carrot and the stick—through voluntary as well as legislative measures. I shall say more about that in a moment. The healthier food mark will indeed be voluntary initially, but in 2012 we will review the scheme to see whether we could and should make it mandatory.

Mr. Mullin: Is not the evidence so far that voluntary measures do not really work? I mentioned the fact that, so far, only 40 of 468 local authorities have gone cage-free. Good though that is, it is very slow progress. I come back to the evaluation to which, I think, my hon. Friend speedily referred. That evaluation by Deloitte—if that is what he was referring to—said that

"Take up of the initiative was limited".

Jim Fitzpatrick: I did not mean to speed over points deliberately, or not to pay them appropriate attention. Like other colleagues, I anticipated there being more speakers in this debate. I therefore edited my comments to ensure that others had as much time as possible.

On the progress that is being made under the present infrastructure, several Members pointed out that the use of consumer power reinforces their argument that there has been movement when it comes to the ethos of eating and procurement. The best example is McDonald's. My hon. Friend the Member for Sunderland, South, referred to that company's sensitivity and its position in the market. The fact that McDonald's has moved demonstrates that it recognises public opinion. It is getting ahead of the game, so that it can try to maintain, if not increase, its market share. In the marketplace, blue-chip corporations involved in food supply are moving forward, and I shall give at least one more example of progress in the public sector, too. That shows that we are talking about a moveable feast, if you will excuse the pun, Mr. Sheridan, and it is moving in the right direction—the direction that my hon. Friend wants us to take.

The second animal welfare criterion being considered as a potential entry on the healthier food mark list is the aim of having

"100 per cent. of eggs...sourced from systems which do not use conventional cages."

Owing to stakeholders' concerns about the number of criteria, that is only listed as a potential criterion; we consider that the impending ban on the use of conventional cages will drive the outcome.

In February 2008, we issued a notice to all public sector contracting authorities to alert them to the ban on conventional cages from January 2012. The purpose of the alert was to enable buyers to reflect the new regulations in forthcoming contracts, and that, in part, answers the question that the hon. Member for South-East Cambridgeshire asked about lead-in times and the ability of producers and purchasers to make adjustments in respect of the new regulations.

The Department for Environment, Food and Rural Affairs is working with the Office of Government Commerce on the collaborative food procurement programme, which aims to use collaboration between public sector buyers to generate better value and higher quality, and to embed sustainability and animal welfare in procurement decisions right across the public sector.

In the summer, I wrote to Ministers in every Department to ensure that they were aware of how much importance the Government attach to the higher welfare standards. I accept the points made by the hon. Member for South-East Cambridgeshire about averages, and I would not quibble with him. However, we do not want to camouflage the progress that has been made; in some areas, it is better than in others. None the less, we are trying to address the issues and to make even better progress. I have begun meeting other Ministers, starting with those in charge of the biggest food-buying Departments, to discuss procurement issues. We will look at those who are doing well to identify how they have been able to make such progress. We will also look at those who are not doing so well and listen to them to find out what obstacles they may be encountering. We will share best practice across the Departments, and that will then feed down to the wider public sector. For example, I will examine the purchasing of the Department of Health and then move on to the NHS. Likewise, I will examine the purchasing of the Department for Communities and Local Government and then move on to local government, and so on, to try to ensure that we can make additional progress.

I was interested to hear the point that the hon. Member for South-East Cambridgeshire made about his cook in Ely. One issue that has come up recently in our meetings with the Food Standards Agency and the Council of Food Policy Advisers is the fact that, because of devolved budgets, there are now some 35,000 purchasing points within the public sector. It is possible that the skill level of some of those procurement officials is not appropriate. For example, they may be great at purchasing stationery, because that is their background, but they are now having to purchase food for the Department. We must consider the skills set of the people in those purchasing areas. The cook obviously knows exactly

what she is purchasing and is making positive choices, getting better value for money and producing healthier meals. However, she probably does not represent the majority; she may be a very good representative sample, but we must ensure that everyone in the public sector has the appropriate skills to make the appropriate choices.

Mr. Paice: I thank the Minister for what he has said. He is right that there is an issue with buyers being responsible for stationery, desks and everything else, including food. That is the problem. The person buying the food should be not the purchasing officer but the person responsible for preparing the food. If we drive decisions further down, we will get the benefit.

Jim Fitzpatrick: The hon. Gentleman makes a fair point. In the exercise that I am conducting with other Ministers and within DEFRA, I am trying to identify what is working well, and am then sharing that best practice to ensure that it is as effective as possible. I should inform my hon. Friend the Member for Sunderland, South that DEFRA's caterers have made their own decision, and buy only free-range eggs and UK-sourced meat. Again, no legislation compelled them to do that. I am talking about a private sector catering contractor that is making a judgment based on what it thinks the consumer wants. It believes that by doing what the consumer wants, it will sell more of its products, thus making its business more efficient.

In conclusion, I agree with my hon. Friend on the importance of the welfare of animals in our care, and I agree that there is some way to go before we can really say that we have reached the desired standards. We must do things that reflect the public appetite for change as well as the need for value. We must ensure that our food and farming industry moves with us to deliver the change that we all want, and the change that allows us to work with our international trading partners for a secure, sustainable and fair food supply, now and in the future. I congratulate my hon. Friend on securing this important debate and would like to express my appreciation to all hon. Friends and hon. Members who have contributed.

12.5 pm

Sitting suspended.

Thames Valley Police

12.30 pm

Mr. Richard Benyon (Newbury) (Con): It is a great pleasure to serve under your chairmanship, Mr. Sheridan.

I secured this debate to represent the views of my constituent, Paul Fidler, and the employees of his company, Wessex Recovery Ltd. I believe strongly that they have been the victims of a miscarriage of justice. Wessex Recovery Ltd is owned entirely by Mr. Fidler. It was formed in 1991 and since 1993 has had a contract with Thames Valley police for the recovery and storage of light and commercial vehicles across a large part of the force's area. In 2007, the contract ran out and operators tendered for the new contract with a new management company, Recovery Management Services Ltd. Wessex Recovery secured the contract and appears to have proceeded with an unblemished record from Thames Valley police and those it serves.

On 23 February 2009, Mr. Fidler was summoned to a meeting with John Marks, the chief executive officer of RMSL, John Brigham, a legal adviser to RMSL, and Phil Newberry, the RMSL scheme manager. The meeting was called by Mr. Newberry following a phone call the previous Friday regarding "a contractual matter". At the meeting, Mr. Fidler was informed that Thames Valley police had requested the termination of Wessex Recovery's contract and that RMSL required the suspension of Wessex Recovery. RMSL said that the suspension had been requested without any explanation, other than that there was a "problem" with Mr. Fidler—not with Wessex Recovery. John Marks had asked Thames Valley police for further explanation, such as that an arrest was imminent or that there was an ongoing investigation concerning Paul Fidler. Thames Valley police answered no to both questions.

RMSL considered a number of operational possibilities. The upshot of the meeting was that Thames Valley police would accept only certain options and had certain conditions. The first option was a share sale of Wessex Recovery Ltd by 4 pm on the same day. The second was that the company be signed over to an independent person in a caretaker capacity and that Mr. Fidler provide a declaration that he would not set foot on his premises at Halfway depot, which is near the A4 between Newbury and Hungerford. Additionally, because Mr. Fidler's house was adjacent to the depot, a new driveway was to be constructed so that he did not have to step on any ground covered by the operations of the depot. The third option was that Mr. Fidler could live elsewhere and initiate the immediate sale of his house. A further condition was that the internet protocol address for the depot's CCTV system be made available to Thames Valley police so that it could ensure that he did not enter the premises.

Mr. Fidler's business is worth between £2 million and £4 million. It is perverse and extraordinary to ask an individual to sell a company without giving any reasons. Selling a company is not an easy business. It requires a lot of due diligence work and cannot be done within a few hours. The first thing Mr. Fidler did was to try to find out the reasons for the decision, but answer came there none. He therefore visited my surgery at the end of May 2009 to seek my assistance.

[Mr. Richard Benyon]

I first contacted RMSL by telephone and was told that it was not obliged to give me any further information. I followed that up with an e-mail to the chief constable on 29 May. Her reply gave no information about why the decision had been taken, but said that it had not been taken lightly. I followed that up and received a letter from the chief constable on 22 June that added no further information. However, she wrote to Mr. Fidler, setting out the reasons for the suspension of his contract. The reasons related to two allegations of improper conduct with females.

The first allegation was made by a former member of staff at Wessex Recovery on 15 July 2008. Mr. Fidler had been arrested on 17 July 2008 and had strenuously denied the offence. I have no intention of going into the details of the case. However, the more I look into it, the more I feel that it would not have stood up to scrutiny in court due to the many conflicting factors. On 4 September 2008, the complainant made a further statement withdrawing the allegation. No charges were brought against Mr. Fidler in respect of the incident.

The second allegation concerned a previously unknown allegation made by a Thames Valley police scene of crimes officer on 21 July 2008. The allegation related to something that had occurred eight months previously in November 2007. The incident was not reported at the time and the complainant was adamant that she did not wish to support any proceedings against Mr. Fidler. She carried on working at the same location and in the same environment for many months after the alleged incident and did not bring it to anyone's attention. She said she was reporting it on 21 July 2008 because she had become aware of the other allegation to which I have referred. Mr. Fidler was not arrested or interviewed about the allegation, no charges were brought and no statement was made. It appears that Thames Valley police was supporting its decision on the basis of pure hearsay.

At the end of her letter to Mr. Fidler, the chief constable wrote:

"I can assure you that the approach of Thames Valley Police was not arrived at lightly, or without serious consideration of all options".

When Mr. Fidler showed me this letter, it left me with more questions, not fewer. After much thought, I wrote to the chief constable on 30 June. First, I pointed out that it seems bizarre to tell the owner of a company with a large, seven-figure turnover that his options include selling the company that day to another operator. As I have said, the sale of a company is a complex business that requires due diligence and all manner of contractual arrangements.

At the root of the problem are the allegations. I understand that Thames Valley police has to look seriously at an individual who interfaces with its staff and against whom a complaint of sexual harassment has been made. However, any organisation contemplating the removal of a contract that would be a devastating blow on an individual, his family and his employees—in this case 65 employees—should carry out the fullest possible investigation. At the least, the two individuals concerned in the allegations, Wessex Recovery staff and the police officers who dealt with the complaint should have been interviewed. Under the rules of natural justice, I believe that Mr. Fidler should have been interviewed, and at great length if necessary. I therefore question the assertion that

"serious consideration of all options"

had been carried out and that the decision had not been taken lightly.

I wrote to the chief constable again on 29 July to ask whether the independent investigator from the professional standards department interviewed Mr. Fidler, the two women at the centre of the allegations and the police officers who investigated the allegation. I have had no response to those questions. All I heard from the chief constable, for whom I have the highest regard in all other matters, was a further assertion that the decisions were not taken lightly. She also wrote:

"I am not sure that you and I will be able to take this matter much further in correspondence".

She seemed to leave the situation open for Mr. Fidler to take legal action. However, as hon. Members know, such legal action is expensive, especially for somebody who has been put in a difficult financial position by the initial decision.

My next step was to consult Mr. Fidler's local councillor, who also happens to be West Berkshire's representative on the Thames Valley police authority. With Mr. Fidler's agreement, I laid out all the facts, as I know them, for Councillor Anthony Stansfeld. He had much the same reaction as I did, and took matters up himself with the chief constable and others. However, he has hit the buffers with this investigation in the same way as I have, and I am therefore seeking the assistance of the Minister to try to unravel what has happened.

On at least two occasions, I have said to the chief constable that if she were to say to me that there is much more to this matter than meets the eye and that she is simply unable to give me the details, I cannot say that I would be happy, but I would be less inclined to follow up the matter, as I am doing today. In our roles as Members of Parliament, we are frequently visited in our surgeries by people who give us cases that, on the surface, seem cut and dried, but bitter experience has shown us that there are two sides to every argument. In this case, I am getting only one side of the argument and the more I investigate the matter, the more I feel that an injustice has been done.

I understand Thames Valley police's concern about the safety of its staff and that that might require it to make difficult decisions from time to time. However, I am worried that this decision has been taken without proper investigation or regard to the rules of natural justice in a way that shows either an organisation that is too risk averse, or that makes such decisions in a slap-dash manner in the hope that, because it is a large organisation and Mr. Fidler is an individual, the problem will just go away in due course.

The more I am involved in the case, the more certain I am that I wish to follow it through to some sort of conclusion. We might get some degree of closure today in that, on hearing these words, the Minister might conclude that an investigation needs to be carried out by an independent body or individual into the exact circumstances of the termination of the contract. At the very least, I hope that this debate will encourage Thames Valley police to look very closely at its procedures. I simply cannot understand how any public body can be prepared to remove the livelihood of an individual and

his family, and potentially the livelihood of 65 employees, without being prepared to give any reasons for the removal of that contract.

I leave the Minister with two points. Wessex Recovery Ltd, with its 100 per cent. shareholding by Mr. Fidler, retains a contract with Hampshire police for work similar to that which it carried out for Thames Valley police prior to 23 February. The contract with Hampshire came up for renewal after the contract with Thames Valley police was suspended and, in the full knowledge of that suspension, Hampshire police has re-awarded Wessex Recovery Ltd its contract. If for no other reason, I submit that that makes Mr. Fidler's case yet stronger.

My second point is that seven months elapsed between Mr. Fidler's initial arrest and the decision to terminate the contract. Thames Valley police contacted RMSL, gave it one working day to terminate the contract and attempted to force through a sale of the company in just a few hours. However, I repeat: seven months had elapsed. Thames Valley police cannot have been as concerned as it now says it is if it was prepared to allow seven months to elapse before it took action.

As things stand today, a cloud hangs over Mr. Fidler and will do so for the rest of his business life, as he has to declare that he has been suspended from a contract in all future tender documents. In addition, a cloud has been placed over his character and reputation based on the flimsiest of evidence and investigation. I urge the Minister to consider the level of injustice and to instigate a full and independent inquiry without delay.

12.44 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): It is a pleasure to serve under your chairmanship, Mr. Sheridan. I congratulate the hon. Member for Newbury (Mr. Benyon) on securing the debate and on the way in which he has raised what is clearly a serious and important constituency matter for him. There are strict limitations on what I am able to say to the hon. Gentleman today, but at least he has had the opportunity to raise in Parliament what he clearly believes to be a miscarriage of justice.

The Home Office is responsible for setting the level and structure of the charges, but we cannot become involved in contractual arrangements between individual police forces and managing agents or vehicle removal operators, or any police decision that leads to the suspension or termination of a contract with an individual recovery operator. I cannot therefore specifically comment on Thames Valley police's decision or on the specific circumstances that led to the suspension of Wessex Recovery's contract with RMSL, which is the managing agent for the Thames Valley police vehicle recovery scheme.

This is a very sensitive issue and I understand from the chief constable of Thames Valley police that the force took the decision that it could no longer support the involvement of Wessex Recovery in its vehicle recovery scheme on the grounds of public protection and that, in doing so, it carefully balanced the impact on the owner of Wessex Recovery and other staff, following consideration of alternative options. I understand that the chief constable has written to the owner of Wessex Recovery to explain the reasons for the decision and that the chief constable has been engaged in detailed correspondence with the hon. Member for Newbury on the issue.

Mr. Benyon: The chief constable wrote to Mr. Fidler only when I wrote to her. Does the Minister not agree that it is a strange way of doing things to tell the contract manager to terminate the contract, not giving any reason why and not giving any reason to the MP concerned until I contacted her and she approached Mr. Fidler?

Mr. Alan Campbell: I suppose we can conclude that however frustrated the hon. Gentleman is about the process, there was a written response. I shall go on to how he might want to seek redress if he is not satisfied when he reflects upon how the whole process has been handled.

Of course, as the chief constable made clear, Mr. Fidler may wish to seek redress on the matter by obtaining legal advice. I understand the limitations that individuals might have in doing that, but nevertheless the option remains available. At the end of the day, this is a contractual matter; it is not a matter that the Home Office can get involved with in the way that the hon. Gentleman seems to be requesting.

I want briefly to explain the limited role that the Home Office has in the important business of the removal, storage and disposal of vehicles on police instructions. The removal and recovery of vehicles from roads or any land in the open air by contractors acting for the police is an important day-to-day activity in all forces. The Government and the police value the work of the contracted recovery operators who remove vehicles on police instructions. However, the precise arrangements adopted by police forces for the safe recovery of vehicles, including the engagement of contractors, either directly or through managing agents, to carry out that work are an operational matter for individual chief officers of police. The Home Office has no remit to become involved in such commercial and contractual matters and it certainly cannot comment on the individual circumstances of a particular case.

I want to reiterate that if the hon. Gentleman's constituent is seeking redress on the issue of termination of the contract and the circumstances that prevailed, he should pursue a legal route. Ministers cannot become involved in the issue and it would not be appropriate for Ministers to comment on the way in which particular individual allegations are investigated by the police or on the decisions that followed from those investigations. Those are matters for chief officers.

There is a due process. If the hon. Gentleman believes that due process has not been followed and if, having complained to the police—I understand that he has done so and that the investigations have been looked at—he remains unhappy with their response, his constituent may wish to refer the case to the Independent Police Complaints Commission. I know that the hon. Gentleman will be disappointed.

Mr. Benyon: I am grateful to the Minister for responding to the debate, and I understand the limitations on him and the Home Office. I should like to put on the record again that I have a very good working relationship with the chief constable; I hope that good relationship continues after today. However, the purpose of MPs, every now and again, is to stand up for people whom we feel have been brow-beaten by a large organisation, particularly if it is a public one. There must be a method whereby

[Mr. Benyon]

ordinary Members of the House can represent their constituents on issues such as this if they feel that an injustice has been done, rather than individuals having to go through the courts themselves.

Mr. Campbell: I understand that. Standing up for people is a key part of what Members do. The hon. Gentleman is doing that, and there is some force in his argument. Whether the issue concerns public organisations or not, active and committed Members of Parliament such as him have a right to raise these matters. However, it is not for Ministers to second-guess decisions or to comment on procedures if the responsibility for those procedures, and for their investigation, lies elsewhere. If he and his constituent are not satisfied about the way in which the contractual aspects of this case have been dealt with, a proper and independent view of the matter could be gained by taking it to court.

Let me address the hon. Gentleman's concern about police forces. I am delighted that he has full confidence in his chief constable, as do I, and I am quite sure that their respect for each other's role will ensure that his decision to pursue a matter that has her force at the centre will make no difference to their relationship. I repeat that it is not for Ministers to second-guess or to investigate individual matters such as these. The hon. Gentleman or his constituent may wish to raise the matter with the Independent Police Complaints Commission and get its view. That is one of the responsibilities that we have given that body.

I understand that having raised the matter in the House, the hon. Gentleman will be disappointed by the response, but I hope that he will appreciate the limitations on us and the need to be cautious and not overstep our responsibilities. Some of his comments have raised issues about the policy framework in which certain decisions are made. If he feels it would benefit him, I shall be pleased to meet him to discuss those policy matters, with reflection on this case. However, that offer is placed within the strict limitations of what is available to Ministers, and the same will apply to any advice that I can offer him.

12.52 pm

Sitting suspended.

MG Rover

1 pm

Richard Burden (Birmingham, Northfield) (Lab): I am grateful for the opportunity to raise with the Minister the results of the investigation into the affairs of Phoenix Venture Holdings Group, MG Rover Group and 33 other companies. I am pleased to be joined by my hon. Friend the Member for Birmingham, Hall Green (Steve McCabe), who has taken a close interest in the issue, and I know that many other hon. Members with constituencies in Birmingham or the west midlands who cannot be here today are concerned about the issue.

The investigation was commissioned in 2005 by the then Secretary of State for Trade and Industry, my right hon. Friend the Member for Kingston upon Hull, West and Hessle (Alan Johnson), soon after the collapse of MG Rover Group at Longbridge in my constituency. The investigation was headed by Gervaise MacGregor and Guy Newey QC. It had been set up under section 432(c) of the Companies Act 1985 and had a wide range of powers and a high degree of independence, both of which were important for its credibility.

The inquiry certainly had to look at some highly complex issues, but I am not alone in questioning why it took more than four years to report and cost around £16 million. I ask my hon. Friend the Minister to consider how we can ensure that future comparable inquiries will be neither excessively costly, nor so long drawn out, without compromising their independence or thoroughness.

Some have suggested that much of what is in the inspectors' report had already been said or alleged before. There is something in that, but it does not alter the fact that the their findings are significant. The report's 830 pages meticulously catalogue how the companies associated with MG Rover were structured and then restructured and how money was moved around between 2000 and 2005. The report is damning of the actions of the directors of Phoenix Venture Holdings, the so-called Phoenix four, during that time. That they paid themselves a lot of money during their stewardship of MG Rover was well know a long time before the report. I was one of those who asked questions about some of those things years ago, and my criticism at that time of the Phoenix four's largesse towards themselves is on the record.

However, what is devastating about this report for the Phoenix four is not what it reveals about the amounts they paid themselves, or that they saw considerable personal gain as a desirable or justifiable consequence of building a successful company, but that personal gain—some would say greed—was their central objective from the start of the Phoenix takeover of Longbridge. That objective took precedence over the interests of MG Rover as a car maker and the interests of the employees, from whose efforts the Phoenix four benefited.

I do not have time to go through all the report's findings, or even most of them, but I will offer a flavour of some of the things it contains. It provides evidence that from the word go at least some members of the Phoenix consortium were seeking to make around £75 million for themselves, not from engineering cars, but from engineering company finances. They did not reach that target, but they got a long way towards it.

The report shows how losses were locked into the car-making business with profits going elsewhere. Despite what was claimed at the time, many of those profits were not recycled back to support the car manufacturing business.

The Phoenix four made sure that their own stakeholdings in the business brought them significant personal remuneration and the power to make decisions. The shares they distributed to their employees, however, brought neither income, nor influence over company decisions. The Phoenix directors still awarded themselves millions for their own sacrifice in making those employee shares available.

Phoenix invented a range of money-spinning schemes, which some people might call scams. The names were sometimes bizarre, like Project Patto or Project Lisa, and sometimes the names spoke volumes in themselves, such as with Project Aircraft. Not all of those schemes saw the light of day, but all seemed designed principally for personal or corporate gain. Phoenix Venture Holdings' advisers, such as Deloitte and, to some extent, Eversheds, helped to design some of those schemes, and the millions they got in fees for their trouble raises important ethical questions. Perhaps even bigger ethical issues are raised by the report's revelation that one Phoenix director, Peter Beale, chose to install a programme called "Evidence Eliminator" on his computer the day after the investigation was announced in 2005.

I would like to say a little more about one project, Project Platinum, which established MGR Capital, the vehicle through which the former BMW loan book for Rover was acquired during the Phoenix years. Acquiring that loan book was the right thing to do for MG Rover as a car company, but there are and always have been real questions about why MGR Capital was set up outside the Phoenix group of companies. The result, of course, was that when the money finally came in it would be shared between members of the Phoenix consortium and their partners at Halifax Bank of Scotland, rather than ploughed back into investment in MG Rover. I and others questioned the Phoenix directors about MGR Capital as long ago as 2003. It was also one of the subjects on which the inspectors suggest that I, and Parliament itself, received misleading replies and information from one or more of the directors.

Therefore, I welcome the decision of the Business, Innovation and Skills Committee to invite the Phoenix directors back to Parliament to explain these things. The Phoenix four should accept that invitation. It is not good enough for them simply to rubbish the inspectors' report through their PR firm without answering the report's central charges. If the Phoenix four have answers, we all deserve to hear them, and we deserve to hear them in public and on the record.

I was never one who joined in the backstairs briefings against Phoenix Venture Holdings even before it signed the deal with BMW to take over Longbridge. Indeed, I criticised some of those responsible for those briefings because they never seemed worried that their words might not only highlight genuine concerns about the conduct of a bunch of directors but destabilise the future of MG Rover itself, threatening the livelihoods of the thousands of MG Rover workers, from those on the shop floor to senior managers, who were genuinely trying to make a go of the company, a company that was so important to manufacturing in the west midlands as a whole.

Let us not forget that in the circumstances we faced in Longbridge when BMW pulled out in 2000 it was not wrong to ask BMW to consider alternatives alongside the deal it was proposing to do with Alchemy Partners. It was certainly not wrong to back the only alternative in town when negotiations between BMW and Alchemy broke down on 28 April 2000 and Longbridge faced the real prospect of closure, with the likely loss of over 20,000 jobs in the west midlands and beyond.

Perhaps the Phoenix four are all resigned to going down in history as greedy, but I am sure that they would also want to be remembered for genuinely trying to build a future for car-making at Longbridge and, when that failed, finally doing the right thing by all those who worked for them. They do not have much credibility left, but for what remains of that credibility, and because it is the right thing to do, I ask the Phoenix directors to agree to the following. First, there should be no more delays in putting money into the trust fund they set up for their former employees. They say that there are still all kinds of procedural impediments causing delays nearly five years on from the closure. That may be the case, but I say bluntly that that is their problem. They made sure that there were no impediments when they paid themselves millions each to insulate themselves from the consequences of company failure. They now have a responsibility to their employees which they should honour without delay.

The second thing concerns MGR Capital. It is unclear where the wind-up of MGR Capital is up to, but there are reports that there could be proceeds of between £16 million and £22 million. My understanding of the structure of the company is that the money could be shared by HBOS and members of the Phoenix consortium. I say no to that. Let the proceeds from MGR Capital be at least one positive legacy of the Phoenix years. I say to the Phoenix consortium that it should put part of its share of MGR Capital's profits towards the trust fund for its former employees and the rest of it into a community development trust so that local people can have a direct say in, and direct benefit from, redevelopment of the Longbridge site and the surrounding area.

And HBOS, the Phoenix consortium's partner in MGR Capital, should show that the banking sector itself is recognising some social responsibility by investing its profits from MGR Capital in the venture, too. Those things are unfinished business. They are things that could still happen, and I ask my hon. Friend the Minister to do what he can to make them happen.

1.12 pm

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): It is a pleasure to appear before you, Mr. Sheridan, I believe for the first time. I thank my hon. Friend the Member for Birmingham, Northfield (Richard Burden) for calling this debate. I know that he has worked assiduously for many years on matters concerning the Longbridge site, first in 2000 when this story began, through 2005 and in the years since. I welcome my hon. Friend the Member for Birmingham, Hall Green (Steve McCabe), who has worked with my hon. Friend the Member for Birmingham, Northfield on these matters.

[Ian Lucas]

Whenever a redundancy situation occurs in any of the communities that we represent, it is extremely serious, so back in 2000 when BMW was about to divest itself of its interests in the Longbridge site, it was entirely understandable and explicable that the community as a whole took the steps that it did. The hard work that was done and the public support at the time for the Phoenix consortium are evident from the report. It is against that backcloth that we have to consider subsequent events and the actions of members of the Phoenix consortium.

The collapse of MG Rover in 2005 reverberated not just through communities in the west midlands but across the United Kingdom. More than 6,000 people lost their jobs, individual employees and families were hit extremely hard, many creditors were left with unpaid bills—the total was £1.3 billion—a major UK car manufacturer went into liquidation and many suppliers lost a key customer. The west midlands region was dealt a body blow, and I am sure that the impact is still being felt today.

It was important and absolutely right that the Government set up an independent inquiry to find out what led to the collapse. Those who were affected need to know the truth about what happened, because there have been many allegations and ill-informed rumours. The report sets out in great detail—more than 800 pages, as my hon. Friend said—the extremely complex history of events leading up to what happened in 2000 and in subsequent years. The report is important as a point of reference for people. The story is complicated and the report contains a great deal of detail, but it is there for the public to see. The inspectors painstakingly studied a complex structure of 33 companies that made up the MG Rover Group and its parent, Phoenix Venture Holdings. They also looked closely at the role played by certain directors.

When a company controlled by John Towers and his fellow directors bought MG Rover from BMW in 2000, they were welcomed by the workers, the suppliers and the local community because it appeared that they would save jobs and the business, but it is evident from the report that, from the outset—it was true throughout—they needed a joint venture partner to ensure the long-term survival of the business. Although there were several attempts to find a partner, five years later they had not signed one up, and losses were accumulating, car sales were falling and insolvency loomed.

However, it is clear that throughout that five-year period of such difficulty for the company, the Phoenix directors were prospering. The so-called Phoenix four had spent considerable time and effort designing projects to shift assets away from MG Rover to other companies in the group owned by them, instead of using the money to support car manufacturing. The report details not the tens of thousands or hundreds of thousands but the millions that were paid to the individuals concerned. The inspectors found that during those five years, the directors took

"unreasonably large, financial rewards, totalling tens of millions of pounds."

Inspections of that kind take time and invariably cost considerable sums—in this case, £16.3 million. That is why they are so rarely deployed. The inquiry was complex and has clearly cost more than anyone would have liked. I take on board what my hon. Friend the Member for Birmingham, Northfield said about the time that the inquiry took, and its cost. However, it was important that the inquiry be independent. The difficulty from the Government's point of view was that interference at any stage in the conduct of the inquiry would have led to allegations that they were seeking to intervene in the inquiry in some improper way. Certainly any interference by the Government once the inquiry had been set up would have been entirely inappropriate, but there are lessons to be learned from the situation. The position and the terms of reference of the inquiry at the time that it was set up should, perhaps, be looked at for the future.

In addition to setting out the story, the inspectors also suggested that changes should be considered to financial reporting standards and guidance to increase transparency. The aim would be to help users of company reports and accounts better to understand a company's financial position, including the value of assets. The Financial Reporting Council is looking carefully at the lessons from this case. Work is under way to bring legal proceedings against the relevant directors with a view to seeking their disqualification by the court, or their offering to undertake not to be involved in the management of companies for a period of time.

My hon. Friend referred to the trust fund. I took questions in the House when the report was released so I know that it is a matter of profound concern to everyone—to Members and, more widely, the west midlands community. The reason the trust fund was set up in the first place—at the time of the collapse of the company—was to assist a west midlands community that had been dealt a body blow, and to dispel concerns that were being expressed about what had happened before that.

We all know that, until now, the trust fund has simply not delivered in any respect. The justification that has been provided for the trust fund's not delivering is that we were awaiting the outcome of the inspection report. The report is now available. If there is to be no distribution or investment in the trust fund, we need to know why that should be so at this stage, because the community has had to deal with the consequences for almost five years. Individuals have had to rebuild their lives and the community has had to rebuild itself during that period. It is about time that the commitment given voluntarily in 2005 is lived up to by those who gave it. We ask no more than that individuals follow the lines that they outlined in 2005 and make a commitment to the community in material terms, not just in words.

I note closely what my hon. Friend said about MGR Capital. The evidence we have is that funds are available in MGR Capital—it is outside the remit of MG Rover itself and outside the remit and control of the liquidator, but money is there. If those who had influence in MG Rover in 2005 and when the trust fund was set up, and who now have influence relating to MGR Capital, want to live up to the expectations that they created, they should use available funds to support the community that my hon. Friends in the Chamber represent. That is a moral obligation on them. I say to my hon. Friend the Member for Birmingham, Northfield that I will do anything that I can both in respect of that moral obligation and to support exploration of whether any

legal obligation is involved that would enable action to be taken. I will look into that on behalf of my hon. Friend and his constituents in the west midlands.

The community has had to move on. Important regeneration work is going on there. The Longbridge area action plan is designed to redevelop the MG Rover site, and my hon. Friend has been working on it with his parliamentary colleagues for a number of year. The total project cost is £66 million, with direct Government funding from the Learning and Skills Council of just under £54 million. In particular, the new Bournville college will deliver a much-needed boost for the Longbridge area with the creation of a first-class learning environment on a par with other LSC capital schemes.

The community is rebuilding, but those who have benefited to the tune of millions of pounds from the sad story of MG Rover's collapse, which has been set out in so much detail, need to support the community from which they have benefited. I call on them to do everything that they can to support the community and to deliver on the promises they gave when MG Rover collapsed in 2005.

1.23 pm

Sitting suspended.

Muscular Dystrophy

1.30 pm

Mrs. Caroline Spelman (Meriden) (Con): I have called this debate to draw attention to the need for specialist, multidisciplinary care for everyone with muscular dystrophy and related neuromuscular conditions. Around 75 people in my constituency and more than 60,000 people in the UK are sufferers. I have a personal interest in the matter as a maiden aunt, with whom I grew up, suffered from a degenerative muscular condition, which left a great impression on me as a child.

I thank the Muscular Dystrophy Campaign for bringing the issues to my attention, and I record my gratitude to the hon. Member for Blaydon (Mr. Anderson), who has put a huge amount of work into supporting sufferers of muscular dystrophy, and is chair of the all-party group on muscular dystrophy.

Let me set out the background. Muscular dystrophy covers many types of conditions involving complex and progressive multi-system disorders, including Duchenne muscular dystrophy, which afflicts young boys particularly, and of which there are estimated to be 100 cases in the United Kingdom, spinal muscular atrophy, myotonic dystrophy, limb girdle muscular dystrophy, facioscapulohumeral muscular dystrophy, myasthenia gravis, and more than 60 other related conditions.

Muscle diseases weaken and/or waste muscles, may affect the heart and lungs, and may cause lifelong disability and/or premature death. They may be inherited or acquired, and may affect people of all ages, backgrounds and nationalities. There are no cures, and without specialist multidisciplinary care most patients experience a further reduction in quality of life and, for some conditions, shortened life expectancy. Specialist multidisciplinary care is vital, as it improves quality of life and can dramatically extend life expectancy.

I was shocked to see data from the south-west showing that the mean age of death was 19 for patients with Duchenne muscular dystrophy. For similar patients in the north-east, the mean age of death was 30, and that age has since increased. That proves that it is possible for areas to make funding decisions that enable specialist care to be provided. That shocking statistic shows that we lag behind other European countries in the provision of specialist services, and it highlights the fact that in any civilised society such variances are unacceptable and are evidence of service failures that must be addressed with the utmost urgency.

I pay tribute to the parents of children who are diagnosed with muscular dystrophy and related conditions, and commend them on the way in which they have campaigned for improvements in their children's quality of life. I recently saw a moving short film produced by the Rosenfeld parents about their son—I believe that the Minister is aware of it—showing how hard it is for parents of children who are suffering from that type of muscular dystrophy to contemplate their child's life ending prematurely before their life is extinguished.

Neuromuscular specialist consultants need to be part of a multidisciplinary team with a specialist physiotherapist, a neuromuscular care adviser, and good links to respiratory

[Mrs. Caroline Spelman]

clinicians, cardiologists, speech and language therapists, orthotists, rehab consultants, geneticists, orthopaedic surgeons, and occupational therapists.

I want to focus today on specialist care for sufferers in the west midlands, but I hope that the debate will go some way towards encouraging other regions to reconsider how their care services meet the needs of sufferers. I was recently invited to attend a meeting of the West Midlands Muscle Group in Cheswick Green in my constituency. There, I met Stuart Reid, who is in his late 20s and is affected by Duchenne muscular dystrophy. He is an eloquent speaker, given all the disabilities that he must overcome, and gave oral evidence to the all-party group's inquiry on national specialist care. I was shocked to learn from Stuart and others how the west midlands fares in comparison with other areas.

The west midlands is fortunate to have a number of dedicated and hard-working neuromuscular clinicians, including Dr. Ros Quinlivan, Dr. Helen Roper, Dr. John Winer and Dr. Nick Davies. It also has accomplished respiratory clinicians, such as Dr. Dev Banerjee and Dr. Martin Allen. However, the level of care in the west midlands is sub-optimal, compared with that in other regions. The service is overstretched, unco-ordinated, and reliant on charitable funding and the good will of the lead clinicians. Clinics are overbooked, and patients may have a long wait for follow-up appointments, despite only 50 per cent. of patients receiving specialist care.

Patients face massive problems in trying to access ongoing physiotherapy, hydrotherapy or psychological support. There are also issues with accessing speech and language therapy, and with funding for essential respiratory equipment. Some participants at the public meeting told me that they had to travel as far as Chester for specialist help.

Vitally, wheelchair services in the region are far worse than in many other parts of the country. Birmingham East and North primary care trust and South Birmingham primary care trust have admitted that children with muscular dystrophy must wait an average of 18 months, which is a long time in the life of a child suffering from such a condition, to receive a powered chair. That compares with a national average wait of 19 weeks. A wheelchair for a child with muscular dystrophy is far more than a mobility aid. In the short film that I watched about the Rosenfelds' son, Gavriel, it was clear that the wheelchair plays an important role in aiding breathing and supporting the spine.

Children and adults who are affected by these rare and progressive conditions are competing for equipment with patients with injuries such as leg fractures. Some children and adults with neuromuscular conditions are considered to have profound disabilities, and the assessment process requires greater knowledge and expertise than is often available in local wheelchair services. That may mean that people are not being properly assessed or offered appropriate equipment. There seems to be a process logjam in the provision of wheelchair services in the west midlands that goes wider than sufferers of muscular dystrophy. I hope that the Minister will help me to unscramble that logjam.

For the 5,000 people in the west midlands with a neuromuscular condition, there is only one care adviser. It has been suggested that care advisers are vital, because they reduce pressure on consultants' time by providing additional information and support in clinic, as well as advising patients about their overall well-being. Crucially, they recognise when a planned admission is needed, which reduces the cost and stress associated with unplanned admissions and emergencies. The south-west of England, which has a similar population, has five NHS-funded neuromuscular care advisers. I am an advocate of local primary care trusts being able to assess priorities in their regions, but that serves to show that the system in the west midlands could be better modelled.

Unplanned emergency admissions for neuromuscular patients are not only stressful and dangerous, but hugely costly. Work by the public health team at the West Midlands strategic health authority has shown that in the last financial year, my local Solihull care trust spent £271,746 on unplanned emergency admissions for local patients with muscular dystrophy and related neuromuscular conditions. Ours is a comparatively small PCT, with a population of 200,000, so that is a significant amount to spend on unplanned admissions. That is part of an overall £6.6 million spent in the region on unplanned emergency admissions for local patients with muscular dystrophy and related neuromuscular conditions.

The most costly emergency admissions are caused by respiratory crises, cardiac problems or falls. Although there will always be some emergency admissions for patients with such complex conditions, the figure can be greatly reduced. The Muscular Dystrophy Campaign has estimated that reducing it by only half would save PCTs more than £3 million. That is a very achievable target. One clinician in the region has had only a handful of emergency admissions in the past year out of a total of 850 patients. Clinicians' evidence suggests that people are 20 times more likely to have an unplanned emergency admission if they do not receive specialist care.

It seems to me that encouraging pooled budgets would mean better and more tailored care for patients. A single assessment process, incorporating both health needs and social care needs, would be a more effective way of administering treatment. In such a process, an individual and their carer would be given the flexibility and empowerment to choose their providers. They should be able to exercise that flexibility across the social and health care divide. Many patients do not realise that they are crossing a divide between two departments, but I think that we all agree that it is high time that the system was joined up, so that people do not find that there is a crack as they drop down between the two.

In January, the 17 PCTs that make up the west midlands specialised commissioning group will have to decide whether to accept the recommendations of the regional neuromuscular services development group to develop a co-ordinated, planned specialist service for all patients affected by muscular dystrophy and related neuromuscular conditions. I strongly endorse local health authorities being able to take decisions for themselves and not having top-down approaches forced on them, so I welcome the fact that regions such as the north-east are providing the services deemed so necessary to sufferers. I encourage the west midlands service providers to work together to ensure that muscular dystrophy sufferers have access to the essential specialist care that it has been shown can extend their life expectancy and improve their quality of life. We know that multidisciplinary

specialist care has worked for sufferers in other areas of the country, and we desperately need it in the west midlands.

I dedicate the debate to my courageous young constituent, Stuart, who has outlived the mean life expectancy for his condition and demonstrated that he has the courage to drive himself forward, keep going and even write a novel and come to give evidence in Parliament when, as he put it—rather poignantly—to me, "I really shouldn't be here by now."

1.43 pm

Mr. David Anderson (Blaydon) (Lab): It is a great pleasure to see you in the Chair, Mr. Sheridan. I congratulate the hon. Member for Meriden (Mrs. Spelman) on her contribution to a debate that is taking place across the country. Yes, there are problems in the west midlands, but I would not want anyone to get the idea that the west midlands is alone in that. I am the chair of the all-party muscular dystrophy group, and in August, after some seven months of intensive inquiries, we produced a report that brought together professionals working at the highest level in neuromuscular care, people doing day-to-day basic care work with those suffering from these conditions, and, in particular, the families taking care of people with these diseases. The truth is that we need real improvements throughout the country.

I shall give one example. The hon. Lady spoke about Duchenne muscular dystrophy. One hundred young boys will die this year—two a week—as a direct result of that disease. Because care is sporadic across the country, some will die in their teens. Thankfully, some will not die until their late 20s. That is a direct result of the differences in care. In Denmark, however, they will die in their mid-40s, so we have a long way to go before we can say that we are doing what is best.

The term "postcode lottery" has been used, but that is not how things work. We are talking about a question of luck, history and geography. If a person happens to live in a part of the country where someone decided, many years ago, to specialise in neurosurgery, they might just have access to a team of people who happen to be linking up with another group of people who are developing work on, for example, sickle-cell disease and similar conditions.

That is not good enough. We need a strategic approach and we need the development, throughout the country, of specialised centres for everyone. Particularly in places such as the south-west, people are travelling ridiculously long distances to receive the treatment that they need. Indeed, the distance that they are travelling is making their condition worse. That is not the care that they should be receiving.

The all-party group is linking up with the specialised commissioning groups. This morning we had a meeting. We already have reports from 13, I think, of the groups on where they are in what they are trying to do. Some are positive, some are negative and some are neutral. We will not let go; we will continue campaigning with them to make the issue a priority. There is huge public support for the issue. We launched our report on 24 August, and in the days that followed, we had at least 200 pieces of coverage across the media, from BBC 1 through to local press and the specialist press. There is huge interest in the issue, because what is happening could be avoided.

1.46 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): I warmly congratulate the hon. Member for Meriden (Mrs. Spelman) on securing this extremely important debate and, in particular, on the way in which she talked about her own family and, of course, Stuart, who is now very much in my mind. I know that public discussion is particularly important to families coping with the realities of muscular dystrophy, in that it raises awareness of the issues that they face. I am grateful to the hon. Lady for giving the House the opportunity to focus on the impact of muscular dystrophy on their lives.

The hon. Lady spoke eloquently about muscular dystrophy and the devastating effect that it can have on people living with the condition, their families and those who care for them. In fact, both she and my hon. Friend the Member for Blaydon (Mr. Anderson) raised the issue of the ages to which people with muscular dystrophy live and the differences in those ages. I cannot add to the description given. I should like instead to concentrate on the main thrust of the hon. Lady's speech by responding to her concerns and those of the all-party group that the national health service is failing the thousands of people affected by this condition.

At this point, I pay tribute to my hon. Friend the Member for Blaydon, who is the chair of the all-party muscular dystrophy group, and to the other members of the group for their far-reaching inquiry into access to specialist neuromuscular care. I apologise for not being present at the meeting today: I was speaking at a conference this morning. That inquiry and its subsequent report have raised a number of important issues for my Department to reflect and act on. It highlights the shortcomings in existing services and makes it clear that we need to do more to improve services for people living with muscular dystrophy.

The Walton report, which is the report from the inquiry, is sadly only one of a series of hard-hitting reports to have highlighted the significant variations in standards of care that still exist for those living in some areas of England and Wales. It is totally unacceptable that people with muscular dystrophy are not being offered the full range of care and support that they need. From my many years of experience as a nurse and community nurse before I entered the House, I know the tremendous impact that conditions such as muscular dystrophy can have on patients and their families. I will not accept excuses that the problem lies with competing priorities or with the availability of resources.

I want to respond positively on that range of issues. Let me be clear: we want to ensure that people with this condition live as well as possible for as long as possible and that they do not just live with it—suffer it—but have a real life.

In 2005, the Government published the national service framework for long-term conditions, which is a 10-year plan that addresses the very issues highlighted in the report: the inequalities in access, the lack of integrated service provision, the work force shortages and the variable quality of care across the country. The NSF is

[Ann Keen]

based on the core NHS values of modernisation, breaking down professional boundaries and creating partnerships between agencies.

Achieving the standards set out in the NSF is clearly a huge challenge for some local providers, although others meet that challenge and tackle problems forcefully. There are no central targets or milestones, so it will be for people working at the front line, who best understand local needs, to decide local priorities, and it will be for commissioners to commission appropriate services.

Mrs. Spelman: I am listening carefully to the Minister, but does she agree that the situation that she describes is precisely the problem? Muscular dystrophy does not have a target or a priority attached to it in this system of targets, so there is a danger that it will be given lower priority when providers and commissioners try to decide how to make use of resources.

Ann Keen: I am a fan of targets and I am pleased that the hon. Lady is, too. As I go on, perhaps I could offer suggestions on the issues that she raises.

As we approach the mid-point of the NSF's 10-year implementation period, it is fair to say that there is no comprehensive and detailed picture of the extent to which the NSF has been implemented or of the difference that it is making to the lives of people with neurological conditions. However, there are many examples of good, innovative practice, and the successful implementation of the NSF over the next five years will depend on our ability to identify and disseminate that good practice, although the NHS is not always good at looking at good practice and learning from it. We therefore need to identify the champions who can support the weaker services.

We have commissioned a mid-point review in 2010 to show what progress has been made towards implementation, to identify what works and why, and to lead to the adoption of good practice elsewhere. That will help us all to make better decisions in the design and delivery of services.

The all-party group and others see the development and implementation of clinical standards and guidance as a means to drive up quality and secure improvements. The National Institute for Health and Clinical Excellence is an independent body, which welcomes suggestions for future guidance from a wide range of sources, including health care and public health professionals, patients, carers and the general public. Health professionals are free to use their clinical judgment and any national and international best practice guidance to develop appropriate health and social care services to meet the needs of those living with muscular dystrophy.

As the hon. Lady recognised, the new NHS is locally driven and looks outwards, not upwards. It is designed dramatically to improve the quality of care and the value that we get from our resources. Strengthening commissioning is, of course, at the heart of delivering that agenda, and that is where we have been concentrating our efforts to provide leadership on this crucial issue.

It is important that I commend the West Midlands strategic health authority and the West Midlands specialised commissioning group. In response to the Walton report, they are undertaking a review of muscular dystrophy and related neuromuscular services to produce proposals to allow PCTs to improve services. I say to the hon. Lady and my hon. Friend that I will now urge the regional specialist commissioners to liaise with the all-party group and I will ask the national team to co-ordinate. We are still learning about commissioning, and some people are more advanced than others.

The hon. Lady mentioned emergency admissions, and I am asking for a special study to look at the issue. As a former community practitioner, I believe that we will avoid emergency admissions if we invest in community care and a multidisciplinary team so that they can be as effective as possible. That requires us to have really positive champions and real clinical leadership.

Mr. David Anderson: This morning, the all-party group heard evidence from a specialist working in the west midlands about the practical, day-to-day problems that arise when someone with one of these diseases goes into a normal emergency service because they have fallen over and broken their leg or because they have a headache, but they end up being kept in for much longer than they need to be because their disease is not recognised. The Minister mentioned resources, but by speaking to people on the ground we can see that money can be saved by giving people direct access to the specialist services that they need, and that money can be reinvested in looking after them properly.

Ann Keen: I absolutely agree with my hon. Friend, and the point was made clear to me when I had a meeting with young people and their relatives in my office some time ago. It is clear that we still have a lot of work to do on getting best practice out to all clinicians.

The group overseeing the review includes service users, carers, clinicians and the Muscular Dystrophy Campaign. I understand that their work will draw on a substantial amount of the best practice that the Muscular Dystrophy Campaign has already promoted in the west midlands. I can tell the hon. Lady that the moving film I saw in my office made it clear that access to wheelchairs is absolutely crucial. I have been informed that the review has also looked at wheelchair access and that it will recommend that wheelchair provision should be a specialised service. It will also recommend that there should be wider collaboration between PCTs on the issue of wheelchairs, and that wheelchairs should be included in the planning and commissioning of provision for those with neuromuscular conditions.

Access to a specialist multidisciplinary service is key and can, as the hon. Lady demonstrated, significantly increase life expectancy as a result of overall care monitoring and the maintenance of services. Again, the appropriate commissioning of services is vital. I have asked the national team, through the deputy director, Steve Collins, to work with the Muscular Dystrophy Campaign. On best practice commissioning, a workshop in the new year would be very helpful, and Steve Collins, who is with me today, is keen to have one.

Nationally, the long-term conditions delivery and support team has been supporting improvements to commissioning for the services that we are discussing. Earlier this year, the team delivered a number of regional "Levers for Change" events to spread understanding

about the different mechanisms that can be used to promote implementation of the national service framework and, where appropriate, of NICE guidance.

Long-term neurological conditions, and particularly the NSF's quality requirements, will be referenced in a commissioning guide, which is under development as part of the wider long-term conditions agenda. I have to stress again, however, that one reason for the variations in local services is the lack of clinical leadership on this issue. We are working alongside those involved with long-term conditions to pull together all our regional clinical champions, who will work with local NHS organisations.

I am conscious of the time, so I want to tell the hon. Lady and my hon. Friend of the Prime Minister's commission on the future of nursing and midwifery. I am pleased that my profession of nursing is always at the forefront when carers and users want specialist nurses. Specialist nurses can have the time and commitment to give families, and that is one of the key issues that the commission is looking at.

People with muscular dystrophy and their families are concerned about access to new drugs and treatments, and it is absolutely understandable that they want potential treatments to become available as soon as possible. We need to ensure that the quality, safety and efficiency of any potential treatment are not in doubt. We are a world leader in health research, and I congratulate our scientists, who have done so much for those with this disease.

I cannot conclude without acknowledging and thanking the all-party group for the Walton report. I must also tell Stuart, whose story has touched me today, that we will do our very best and that we will continue to work to bring about improvements for people living with muscular dystrophy.

Question put and agreed to.

2 pm

Sitting adjourned.

Westminster Hall

Wednesday 4 November 2009

[JOHN CUMMINGS *in the Chair*]

Thalidomide

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mike O'Brien.)*

9.30 am

Charlotte Atkins (Staffordshire, Moorlands) (Lab): As a child, I used to visit the local Dr. Barnardo's home with my parents. That is where I first came across thalidomide: the home was looking after a baby with no arms or legs. That image has stayed with me for more than 40 years. I am proud to follow in the footsteps of the fantastic disability campaigner, Jack Ashley—his old constituency of Stoke-on-Trent, South, adjoins mine—by initiating an Adjournment debate on the support provided for persons disabled by thalidomide.

The thalidomide survivors are a unique group. I am pleased that many of them are here today. They were disabled by the national health service. They are the survivors of a catastrophe that claimed the lives of many not so fortunate. However, the fortune of the thalidomiders is a bitter pill; they are now in their 40s and 50s, their deformities are causing increasing pain and they are having difficulties with advancing age. Many thalidomiders have never been able to work. Those who have been able to work have, over the last few years, started to retire early. That is because they have had to use their limbs in ways for which they were not designed. Many victims have needed hip replacements and even shoulder replacements.

A medical survey by the Thalidomide Trust revealed that, on average, each thalidomider had more than six complex and chronic health conditions—for example, ear, nose and throat problems, poor vision and palsy; they also had internal problems with the kidneys and the heart, and gastro-intestinal troubles. They also have arthritis, osteoporosis, sciatica and problems such as epilepsy and obesity. The result is that thalidomiders are living in bodies 25 years older than their age.

Why is this a problem for the Government? It is simply because the Department of Health is implicated in the tragedy. The World Health Organisation warned the Government in 1957 that unless safety measures were tightened before new drugs received permission to be sold in the United Kingdom, disaster was increasingly likely. Before a drug could enter the UK, the Cohen committee, a Government agency, had to scrutinise the medicine's effectiveness. In 1962, in an oral answer to a parliamentary question asked by Maurice Edelman, the then Minister of Health, Enoch Powell, said that the remit of the Cohen committee was to decide whether a drug had been tested satisfactorily.

Thalidomide was described by the Cohen committee as a drug of proven value, and it was granted purchase tax exemption in December 1958. That was a highly sought prize, as it encouraged the NHS to use the drug as a prescription medicine, widely used for morning sickness. Distillers made the remarkable claim that thalidomide was completely safe for pregnant women. The Cohen committee never asked the company to prove that statement, despite the fact that all major pharmaceutical companies regularly tested new drugs on pregnant rats and rabbits.

In America, Frances Kelsey, an official in the US Food and Drug Administration, picked up warning signs of the dangers that thalidomide posed to the foetus from the August 1960 edition of the *British Medical Journal*. It warned of the damage that the drug caused to nerve endings. As a result, thalidomide did not receive a licence in the USA. Members of the Cohen committee should have been aware that thalidomide could pose a risk to the foetus.

Rather than engage in the blame game, I believe that it is important to look to the future. The Thalidomide Trust is grateful for the constructive engagement that it has had with the Minister of State, Department of Health, my right hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien). The trust is also grateful that the Department of Health has sought to work with it. However, the 463 thalidomide survivors have complex needs, which are constantly evolving and unpredictable. Their case is unique and unprecedented in medical history. The Government's response therefore needs to be innovative. They must recognise the pioneering work done by the trust, which, against all the odds, has found life-enhancing solutions for its members.

As children, thalidomiders were experimented on, and were strapped into cumbersome prosthetic arms and legs, in order to "normalise" them. Hopefully, we now live in more enlightened times. When we engage with thalidomiders, we should look at ways to meet their real and changing needs, rather than fit them into an established care framework that is ill-equipped to respond quickly and flexibly to everyday challenges.

The Thalidomide Trust has developed a health support service for thalidomiders. It was made necessary by the NHS's failure to provide relevant and adequate health care. The trust has developed peer-to-peer volunteer support networks. It has experience in dealing with the full range of health and social problems, and it is better equipped than statutory bodies to meet the complex needs of its beneficiaries. It also has its own mechanism for reclassifying an individual's degree of disability. It is called the individual beneficiary review. It is highly complex, and was developed in conjunction with the Leeds university school of medicine. However, the trust has the capacity to conduct only 10 to 20 such reviews a year.

I am pleased that the Department of Health has taken on board the real challenges presented by the thalidomide survivors, and the requirement to base support on the needs of each individual in a way that puts people in control of their own care. However, there are concerns about the Department's proposal to develop personal budgets for thalidomide survivors and to set up a pilot study. It would help if the Minister clarified a number of points.

How will the personal health budgets be calculated? Many thalidomiders receive no health-care support, so it is not possible to base such budgets on existing spending. How can the personal health budget team make commitments about the level of funding available from local authorities for thalidomide survivors? Given the dispersed location of thalidomiders, how can one

[Charlotte Atkins]

primary care trust and one partner local authority lead a pilot study with 20 survivors? In reality, more PCTs and local authorities will need to be involved, increasing the liaison and management costs for the Thalidomide Trust. Who will ensure that there are appropriate health services locally for thalidomide personal health budget holders to spend their money on?

The Minister of State, Department of Health (Mr. Mike O'Brien): I did not catch the previous question, and I want to be sure that I can respond. Will my hon. Friend repeat it? I heard her question about the care costs of the trust; I mean the one after that.

Charlotte Atkins: The issue was the dispersed location of thalidomiders. The Department suggested that the trust should deal with one primary care trust and one local authority. However, the trust and thalidomiders say that because they are so dispersed, they would need more than one PCT and more than one local authority, which would put quite a burden on the Thalidomide Trust. How can we ensure that appropriate health services are available locally for thalidomide personal budget holders? Given that the Thalidomide Trust set up its own health link because of the difficulties in obtaining appropriate local health services, how can we ensure that thalidomide survivors are not short-changed?

David Taylor (North-West Leicestershire) (Lab/Co-op): My hon. Friend makes a cogent case. Does she intend to look particularly at the issues affecting thalidomiders as they move into their 40s and 50s, which she has mentioned? Their movements become more restricted; mobility therefore becomes more of an issue, and the costs of mobility mount. How will that be catered for within the personal budgets? I am not sure that it is, so that is something that we need to address.

Charlotte Atkins: My hon. Friend is absolutely right. A powered wheelchair can cost something like £18,000, and adapting a car can cost a staggering £60,000. Obviously the car has to be new. The whole cost is something like £60,000, and that is just for a fairly basic car that is large enough to accommodate everything that a thalidomider might need. What will happen if the pilot programme is terminated in 2012, and how will the Department of Health ensure that the pilot programme does not create inequalities within the thalidomide population?

Thalidomiders have had to fight every step of the way for justice. In 1973, after a decade of legal wrangling and with the help of *The Sunday Times* editor Sir Harold Evans, they secured from Distillers—the company that distributed the drug in the UK—£20 million, which was paid into a trust for the future care of survivors. In the mid-90s, that sum was topped up, as the fund was predicted to run out in 2009. In 2005, an improved deal was signed with Diageo. However, even after all those rises, the average pay-out to thalidomiders is just £18,000 a year. That is barely enough to pay for an electric wheelchair, which will last just two years. It will go nowhere near paying for adapting a car, or for comprehensive adaptations at home to allow some dignity and independence, such as a walk-in shower, a stair lift or a computer with voice activation. Poor investment returns, inflation and the medical and social care burdens of survivors have sharply eroded the value of the original settlement.

Other Governments, such as those in Germany, Italy and Ireland, have agreed payments to thalidomiders. I urge the UK Government to do the same, as many survivors are now in dire need. Justice is not time-limited. These totally innocent victims must have Government help now. The most cost-effective way of ensuring that is for the Department of Health to make an annual ex-gratia payment to the Thalidomide Trust, which has a proven record of acting on behalf of all its beneficiaries. That should be overseen by a steering group, involving the Department of Health, the Department for Work and Pensions, the Treasury, survivors, staff and the Thalidomide Trust's trustees. Please help the thalidomide survivors to live out the last third of their lives with dignity, independence and security.

9.43 am

Tony Baldry (Banbury) (Con): The Minister today could take the line that these matters were resolved in the 1970s when a settlement was agreed between Distillers and those who had suffered as a consequence of thalidomide. In the 1970s, it was much more difficult to bring proceedings against a Government Department because of the complexities of Crown immunity. However, the law relating to Crown immunity has dramatically changed in the intervening years.

None of us was present during the negotiations between the representatives of those who had suffered as a consequence of thalidomide and Distillers, and none of us was present with their lawyers. As the Minister is a lawyer he will know that in considering what should be an appropriate quantum of damages, some considerable thought must have been given at the time to the likely life expectancy of those who had suffered from thalidomide. If one looks back at the legal textbooks, one can see that at that time, life expectancy for people suffering from similar conditions was comparatively short. People may have lived into their teens. However, those who were disabled by thalidomide have confounded everyone by living full and often dynamic lives in unbelievably difficult circumstances. I suspect that their life expectancy—and how long they have lived—has substantially confounded the estimates of the lawyers in the 1970s. That has had a double hit. First, even when topped up, the £20 million put into the original trust fund has been wholly inadequate for the needs. Secondly, as those who are disabled by thalidomide grow older, so their needs get greater and the costs of caring for them grow incrementally.

I can think of no other group like this one. So, if Ministers do something, they will not be accused of creating a precedent. They will not have people knocking on their door, saying, "You created a precedent with those disabled by thalidomide so you should be doing similar for us." This is a group of some 463 people. It is a finite group of people, all of whom are growing elderly with clear and increasing medical needs. I see no reason why the Government should not respond to those needs in the way in which the hon. Member for Staffordshire, Moorlands (Charlotte Atkins) suggested. They could make a pragmatic ex gratia payment year on year to the Thalidomide Trust. The trust has demonstrated its ability to well manage the funds that it receives from Distillers, and subsequently Diageo. It recognises that those who are disabled by thalidomide

have different needs that require different levels of support. Therefore, it is much more responsive than perhaps statutory structures that might exist elsewhere. That is a solution that meets the justice of the cause. The test of all of this is that as a society, it would be very unjust to leave those who, through no fault of their own find themselves in their older years struggling with their increasingly difficult life—particularly as they are a group of people who have shown unbelievable courage in taking on life and living life to the full notwithstanding their disabilities from the day that they were born.

I hope that the Minister and my hon. Friend the Member for Hemel Hempstead (Mike Penning) will take the opportunity of this debate to not just give the rather inflexible line of, "These are all matters that were resolved in the 1970s, and we have no intention of revisiting them again"—that would be tragic and wholly unjust—but go away to review the case and work out what sort of sum would be reasonable to pay, year on year, ex gratia, to this group of people, who are experiencing very real medical needs. That seems to be a perfectly proper use of part of the Department of Health's budget. There is a proven mechanism through the Thalidomide Trust that could meet the equity and justice needs of that particular group of people. It is not a group that will expand; it is by definition a finite group of people clearly identifiable as potential beneficiaries of the trust. Justice must be met, and the House collectively has a duty to ensure that it is.

9.50 am

Mr. Martin Caton (Gower) (Lab): It is a great pleasure to follow the hon. Member for Banbury (Tony Baldry), who has made some telling points. I congratulate my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) on securing this vital debate and on making an excellent case in support of the campaign by thalidomide survivors to secure financial assistance from Government. I am the chair of the all-party group on thalidomide, which is working with the national advisory council of the Thalidomide Trust to achieve those objectives.

Thalidomide was developed by the German firm Chemie Grünenthal as an anticonvulsant. It did not work for that purpose, but trials showed that it had sedative properties, with the apparent added benefit that overdoses resulted not in death but simply in prolonged sleep. It was first marketed in Germany in 1957 and in the UK in 1958. It was sometimes combined with other drugs to treat a variety of conditions.

The promotion of all those products laid great stress on the safety of thalidomide. Grünenthal also claimed that thalidomide was completely safe for pregnant women and could therefore be used to treat morning sickness and some other negative aspects of early pregnancy. Astonishingly, the company made that claim without testing the drug on pregnant animals or testing the science behind the claim that an overdose would not normally kill. The latter claim resulted from the fact that thalidomide, although highly toxic, had a low absorption rate. That, however, could be affected by other illnesses, the taking of other medicines and, crucially, pregnancy.

Distillers, which manufactured thalidomide in the UK under licence, had to conduct its own tests, albeit limited ones, on the drug, and it commissioned researchers at Glasgow university to consider the effect of thalidomide on the body's hormone balance. The results, published in the *British Medical Journal*, showed a marked reduction in activity of the thyroid gland, which should have set alarm bells ringing. It was known at the time that any drug that affected the thyroid was likely to be able to pass through the placenta, yet Distillers, like Grünenthal, did not test the drug on pregnant animals.

Even more disturbing is the fact that the Cohen committee, the body appointed by the Government to establish whether new drugs had been properly tested, failed to ask whether tests had been made on pregnant animals. Instead, as my hon. Friend said, it described thalidomide as a drug of proven value. As a result, thalidomide was exempted from purchase tax and put on the NHS prescription list.

I will return to UK regulation in a little while, but my hon. Friend was right to point out the contrast with how the Food and Drug Administration in America dealt with Richardson Merrell's application to market the drug there. As she said, Dr. Frances Kelsey recognised that a variety of factors could affect absorption rate and required tests to be made on pregnant animals. Tests were carried out on pregnant rabbits, and deformed foetuses were born. If the Cohen committee, acting on behalf of the Government, had required similar tests to be done here, it would have seen in baby rabbits similar deformities of the sort that were later to be seen in human babies. It did not. Some 3,800 babies died, and 508 were born with disabilities to mothers who had taken thalidomide, having been assured that it was perfectly safe to do so.

When we think of people affected by thalidomide, most of us think of people with rudimentary arms or legs, but the drug caused a far greater range of debilitating conditions. Many suffered damaged ears and hearing. In others, eyesight was affected. A few suffered brain damage, with associated sensory limitations. Some with legs have no arms, and a large number have arms ranging from half or two thirds of normal length to two or three inches. Many with hands have fingers missing and no thumbs. Leg damage often resulted in one or both legs being short and feet absent or significantly damaged. In addition, there could be extensive damage to the internal organs and the skeletal structure.

Before the establishment of the Thalidomide Trust, which was later to protect the interests of those children, they were subject to well-meaning but extremely questionable and certainly unwelcome professional attention, as my hon. Friend mentioned. Some endured a series of operations intended to make them look "more normal", such as constructing ears where they had none or removing vestigial digits. There was a drive to find functional artificial arms, but childhood experience of such prosthetics put the majority of thalidomiders off them in adult life.

What is truly remarkable is how the individuals affected by thalidomide have responded to the disadvantages dealt to them. In their teens, many refused to accept the limited lifestyle that some thought appropriate for people so badly disabled and determined to live as fulfilling a life as possible. Sadly, 46 of the original 508 have died, but a large proportion of the survivors have taken life by the horns. A majority are married, and between them they have more than 500 children. Many have

[Mr. Martin Caton]

become highly qualified and have successful professional careers; others run their own businesses. A large number have regular full-time jobs, and half are in some form of paid employment. Many of those not in paid jobs are bringing up families.

However, their very determination to get on with things has taken its toll. By the late 1990s, it was becoming clear that thalidomiders were facing a new set of health problems brought about by their wholly admirable commitment to activity. They are entering their 40s and 50s, but have always had to use their limbs and other parts of their bodies in ways for which they were not designed. Many have needed hip or even shoulder replacements at the age of about 40. Others have reluctantly been forced to give up work or are considering doing so, which creates personal financial difficulties.

The main reason why I believe that we should call for Government assistance to help thalidomiders at this time is that they badly need it and no one else can or will provide it. Some things for which they need additional resources have been mentioned, as well as the basics—additional care hours, help with cleaning and gardening and so on—but there are also technical changes, which my hon. Friend mentioned.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The hon. Gentleman is making a powerful case, as have other hon. Members. It seems to me that if a similar incident occurred today, the sums of money awarded would be far in excess of those awarded by Distillers and Diageo, because we have greater expectations of what kind of life people with disabilities can and should lead and of the cost of achieving that. What was awarded is completely inadequate for today's realistic expectations.

Mr. Caton: The hon. Gentleman is absolutely right. I do not want to go into the history of the case against Distillers, but the parents were worn down at the time by Distillers' resistance to paying anything like decent compensation. If they had not been and the case had gone through properly, they probably would have received a much more substantial payout than they did, even with the *Sunday Times* campaign. He is absolutely right.

Thalidomiders need technical adaptations. Due to the various conditions from which they suffer, they need control adaptations for their homes and cars. As my hon. Friend said, that is very expensive in some cases. They need specialised wheelchairs, and we have been told how expensive those can be. The good news is that there are answers to many thalidomiders' needs, largely as a result of technological developments. The bad news is that they are often expensive and beyond the reach of most survivors.

The second reason why Government should step in to provide the necessary financial assistances comes from the history of the period in the 1950s just before and when thalidomide was put on the market. As my hon. Friend emphasised, it was the failings of the Governments of the day, here and elsewhere, that contributed to people being born with disabilities. That must be acknowledged.

I commend to hon. Members a recent article by Bruce Page, one of the *Sunday Times* insight team that helped expose the thalidomide scandal. The article, "Thalidomide: Opening the Last Chinese Box", condemns the Government of the day, and Health Minister Enoch Powell in particular, for refusing to set up a public inquiry. I agree with Mr. Page that if an inquiry had been given the go-ahead and the whole truth had been revealed, we would not be calling for action at this late date. The Government's role would have been exposed and their obligations acknowledged and honoured.

The article also shines light on what happened all those years ago. It blows out of the water claims made at the time by thalidomide manufacturers and the Ministry of Health that the drug had been thoroughly tested—by the standards of the time—against every foreseeable dysfunction and that nobody had ever tested drugs for risks to human reproduction. Those claims are simply not true. Tests for reproductive risk were commonplace in the 1950s, notably for tranquilisers. There was a failure of regulation in the UK that the Government failed to address. There was no excuse for that failure, as my hon. Friend said.

Thalidomide was marketed in April 1958 and was approved by the Cohen committee in December 1958. That absurdly short time frame is evidence of the inadequacy of the assessment. In 1957, the World Health Organisation technical report series, No. 137, had warned that there were no regulations in Britain to ensure that drug manufacturers applied the best available technology when developing new products. That report was referred to the Health Standing Advisory Committee, but no action was taken. Bruce Page demonstrates that Distillers and Grünenthal did not apply the same level of scientific research as many of their competitors. The Government failed to make them do so, even after the WHO warning. The WHO paper drew attention to the failure of regulation in this country:

> "Many countries required detailed data from the manufacturers of drugs before they were introduced to the market, one notable exception being Great Britain."

It was not the inadequacy of the science at the time that allowed thalidomide on to the market and into pregnant women's bodies, but the inadequacy of the Government's regulatory regime.

Patrick Hall (Bedford) (Lab): My hon. Friend is describing the catastrophic regulatory failure of the Government of the day. Does he agree that a further problem has been a culture at the heart of subsequent Governments not to acknowledge regulatory failure? Governments put up barriers to addressing the consequences of regulatory failure, such as setting precedent and incurring costs. Those arguments have been dragged out over the years, not just with regard to thalidomide, but in the Equitable Life case. Justice, fairness and responsibility get pushed to one side. Does he agree that although matters of precedent and cost must be considered, what is fair, right and just is more important?

Mr. Caton: My hon. Friend is right. I agree with the hon. Member for Banbury that precedent is not a great problem in this case. It is true that Governments do not like to admit culpability. Frankly, I do not care whether the Government admit culpability, but I care whether they accept their responsibility to do the right thing.

Thalidomiders need the right thing to be done. There is the strongest possible case for the provision of Government financial assistance for thalidomide survivors.

I commend the Minister and the Department for engaging in dialogue with the national advisory council of the Thalidomide Trust about the best way forward over recent weeks. I understand that the thalidomiders' proposal for a financial plan, which involves an ex gratia payment administered by the Thalidomide Trust, has been met with a counter-proposal from the Department of Health for the inclusion of a group of thalidomiders in a pilot project for the roll-out of the personal health budget scheme. The Thalidomide Trust is not attracted to that approach for a number of reasons, some of which were listed by my hon. Friend the Member for Staffordshire, Moorlands. I will not repeat the arguments against the personal health budget approach, but I agree that it will not meet the challenges faced by thalidomiders. The Minister has seen the arguments from the Thalidomide Trust, so I will not repeat them, but I think that it is a strong case.

I hope that the Minister has read the comments of Professor Caroline Glendinning, who is a trustee of the Thalidomide Trust and a professor of social policy at York university. She has experience of evaluating social care and personal budgets, and will evaluate the pilot personal health budgets. One of her concerns is that the pilot of about 20 people proposed by the Department could create inequalities among the thalidomide population in England and between thalidomiders in England and those in the rest of the UK or overseas.

I believe that the financial plan put forward by the Thalidomide Trust advisory group offers the best way forward for a number of reasons. First, it is simple and straightforward as it just requires the Department of Health to pay an annual lump sum to the Thalidomide Trust, which would be calculated by costing the unmet needs of surviving thalidomiders. Those moneys would be distributed to the beneficiaries by the trust, according to its established points system that determines the degree of impairment. Secondly, the approach does not require pilot projects or a phasing-in over a number of years. It could be introduced quickly and would provide immediate assistance to all thalidomiders who need it. There needs to be a sense of urgency. Thalidomiders are experiencing extreme difficulties now—not next year or the year after.

Thirdly, there is no need to invent a new vehicle to deliver help to thalidomide survivors because one already exists. The Thalidomide Trust does a first-class job and has developed many ways to help thalidomiders in all aspects of their lives, as my hon. Friend said. That is done on the basis of the right to personal choice, which is the basis of the personal health budget approach. However, the trust looks for the best answer for the individual not just from one local health area, but from throughout the UK and sometimes beyond. The trust has a record of using the moneys from the manufacturers of thalidomide and the inheritor company responsibly and beneficially. It has the respect and trust of the surviving thalidomiders.

The best way forward is clear. We are not talking about a huge amount of public money, but we could make a big difference to the quality of life of a group of people who deserve it. We did the right thing by the people who received contaminated blood through no fault of their own. Let us now do the right thing by the people who were disabled by thalidomide through no fault of their own.

10.7 am

Dr. Richard Taylor (Wyre Forest) (Ind): I congratulate the hon. Member for Staffordshire, Moorlands (Charlotte Atkins) on securing this debate and on her excellent introduction. I will come at this issue from a different angle. Enough has been said about regulatory failure. I will discuss what we as a nation owe the thalidomiders.

My qualification is unique in this place because I qualified as a doctor in 1959. I worked as a houseman not far from here, and I remember thalidomide coming out under the name Distaval. Thalidomide was promoted to us as a sleeping pill. I was working in a medical ward and remember prescribing it as the first effective non-barbiturate sleeping pill. I do not think I would ever have given it to a pregnant lady, thank goodness, because I did not come across such patients in that job.

As a student, I received no teaching on the teratogenecity of drugs. We understood the effects of external agents such as irradiation from diagnostic X-rays, but not internal mechanisms. The Wikipedia entry on teratogenesis states:

"It was previously believed that the mammalian embryo developed in the impervious uterus of the mother, protected from all extrinsic factors. However, after the thalidomide disaster of the 1960s, it became apparent and more accepted that the developing embryo could be highly vulnerable to certain environmental agents that have negligible or non-toxic effects to adult individuals."

As students, we were not taught about such matters, and the general awareness was extremely low.

In order to demonstrate how much we owe to thalidomiders, I will go through a little medical history. The Medical Safety Act came into effect in 1968. However, until we got the "British National Formulary" in 1980, active help for practising doctors was found in an archaic little volume. I was still writing prescriptions in Latin in the 1960s and 1970s. I shall never forget marvellous drugs such as "Mistura ammonium et ipecacuanha compound", which was abbreviated to, "Mist. ammon. et ipecac. co.", and was an expectorant. We were expected to prescribe that until the 1980s, when the "British National Formulary" produced a new guide that told us which drugs were useful and which were not. At the back were lists of interactions, and drugs that should not be used in cases of liver disease, kidney disease and in pregnancy. That was in 1980, and was the first time that practising doctors had been given that sort of information.

I have compared the "British National Formulary" of 2004 with that of 2009. In 2004, there were 15 pages of advice on prescribing drugs during pregnancy. This year, there are 20 pages. The introduction to the section on pregnancy states:

"Drugs should be prescribed in pregnancy only if the expected benefit to the mother is thought to be greater than the risk to the fetus, and all drugs should be avoided if possible during the first trimester."

It is during the first trimester that the foetus is so vulnerable.

Dr. John Pugh (Southport) (LD): We are establishing a reasonable case to suggest that doctors in the 1950s were fairly ignorant of drugs such as those that we are

[Dr. John Pugh]

talking about. There might be an excuse for doctors, but was there an excuse for the Department of Health and those advising it being equally ignorant?

Dr. Taylor: I thank the hon. Gentleman for his intervention, but that point has already been made. I want to labour my point about the gratitude that we owe to thalidomiders. However, I agree about the failures of regulation.

Amazingly, thalidomide is coming back into use for some uncommon and rare conditions. Under thalidomide, the "British National Formulary" states:

"Teratogenic risk; effective contraception must be used for at least 1 month before, during and for at least 1 month after treatment…men should use condoms during treatment and for at least 1 week after stopping."

My point seeks to demonstrate that we have learned a vast amount since the thalidomide disaster, because of what happened to those people. We have heard the arguments about the failure of regulatory reform, and I am not sure that we will get much further on that.

The hon. Member for Banbury (Tony Baldry) drew attention to the lack of precedent. In fact, there is a precedent. People who received contaminated blood were given that blood before it was recognised as a problem. This is the same sort of issue: thalidomide was prescribed before it was recognised as a problem. Therefore, I argue strongly that thalidomiders deserve an ex gratia payment—whatever it is called. Ex gratia means something given as a favour or not compelled by legal right. To me, however, remembering my dog Latin, ex gratia means that a payment should be given "out of gratitude" to those people. If affected blood recipients received such a payment, thalidomiders should also get one. The mechanism must be worked out, but those people have played an amazing part in teaching the nation, and the world, about the dangers of thalidomide, and they should be recompensed in some way.

Earlier this year, the Minister of State, Department of Health (Gillian Merron) stated in a written answer:

"Prior to the thalidomide tragedy, there was no formal drug regulation system in place to monitor the safety of medicines in the UK. As a result of the tragedy, a complete review of the machinery for marketing, testing and regulating drugs was initiated, including enactment of the Medicines Act 1968, which introduced stricter testing for medicines prior to licensing to ensure that they meet acceptable standards of safety and efficacy."—[*Official Report*, 29 June 2009; Vol. 495, c. 93-94W.]

We owe that to the thalidomiders.

10.15 am

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I will be brief, as I know that people are anxious to hear the Minister. I, too, congratulate my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) on raising the issue, and on the thorough and lucid way in which she introduced the debate. Together with my hon. Friend the Member for Gower (Mr. Caton) and the hon. Member for Wyre Forest (Dr. Taylor), who has spoken with an expertise that probably does not exist anywhere else in the Chamber, she has argued forcibly, and any remaining doubts about the justice of the case have been removed.

Mikey Argy is the parliamentary campaign co-ordinator of the thalidomide campaign, and I will quote from an e-mail that she sent me, as it sums up the position well:

"It is our belief that the UK government shares responsibility for the thalidomide disaster…Had the thalidomide children not been born half a century ago, they would have benefitted from modern government compensation schemes along the lines of those to assist people affected by contaminated blood products (HIV and CjD) and the Coal Health Compensation Scheme. In order to give thalidomiders the resources they will need to live out the rest of their lives independently…we intend to build up a groundswell of support among British MPs."

They can certainly count on me as part of that groundswell.

My second point is about whether there should be a pilot scheme. I understand the reasons for pilot schemes, and in most circumstances they are a good way of testing a new system before it is rolled out. However, this is a different kind of problem. The Thalidomide Trust has huge experience in dealing with the diversity of problems that have been described by my hon. Friends. It knows how to do it; no piloting is required for the trust to run a scheme that will benefit all those people and deal with the diversity of problems experienced.

If I could proffer some advice to the Minister—something I rarely do—it would be that it is important to recognise that expertise already exists, and that perhaps it would not be appropriate to conduct a pilot project. With good will on the part of the Government and those involved in the campaign, a system could be devised to meet everybody's needs.

Although a great deal of progress has already been made on this matter, in every generation, a handful of injustices have to be resolved. This case is one such injustice that has not been satisfactorily resolved. I know that my right hon. and learned Friend is decent and, along with hon. Members from all parties, I stand ready to assist him in any way possible to bring the matter to a fair and just conclusion, and I am sure that is his intention—I just want him to recognise that there is a great deal of support for his doing so from Labour Members.

10.20 am

Dr. John Pugh (Southport) (LD): I thank the hon. Member for Staffordshire, Moorlands (Charlotte Atkins) for precipitating the debate and introducing it in such an informed and balanced way. I shall begin with a resumé of what I believe has been established and what I think we all agree on.

There is little doubt that thalidomide is a profoundly disabling condition. It is diverse in its outcome and extent—a point made by the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth)—and in the level of handicap. The condition affects not only individuals, but their families. In saying that, I pay tribute to the thalidomiders I have known, who have not only lived with that diversity, but striven to conquer their disabilities. In many cases, those thalidomiders have, with immense cheerfulness and optimism, become major contributors to our world, our lives and their communities. They may be disabled citizens, but they are by no means despairing citizens.

The point has been well made that as thalidomiders age, there is little doubt that the handicaps they endure and have to work around create special problems—serious

organic and muscular problems, a severely impaired personal and social life and problems we probably have not yet heard about because we simply do not know what will happen. All those problems demand appreciable resources to fend them off. It is widely acknowledged that there is little doubt that thalidomiders' disabilities and disadvantages were entirely avoidable. There was a massive failure of the duty to care by Grünenthal and Distillers, and a failure of the regulatory system. That is not a matter of debate—it was wrong of the producer to market such a drug and negligent of the state to allow its distribution.

When we consider the sad history of the matter, there is little doubt that the parties to this disaster have usually had to be dragged kicking and screaming to acknowledge their responsibilities. Trailblazing investigative journalism has clearly played its part, but so has smart legal footwork, which was needed to unmask the cause, genesis and liabilities of the tragedy. At one stage, Distillers—not unassisted by the Department of Health—sought to deny the possibility of any foreknowledge or likelihood of thalidomide's injurious effects. In addition—this is a sad point to make—Distillers sought to take advantage of the legal inexperience of thalidomide sufferers by pressuring them for an early and derisory settlement. More culpably, in the early days, through contempt of court rules, Distillers sought to suppress publication of the facts.

There is also little doubt about the embarrassment and complicity of the British state—I mean that in the widest sense and not in reference to any particular Government—and that it has often had too cosy a relationship with the pharmaceutical industry. Although I accept—the hon. Member for Wyre Forest (Dr. Taylor) made this point—that doctors had reason in those days not to be particularly knowledgeable about thalidomide, the Department of Health knew the limitations of the drug trials that had taken place—that they had used small animals and had ignored things such as the effect of the drug through the placenta. The Department of Health knew what the characteristic biochemistry and behaviour of thalidomide's ingredients were and what the World Health Organisation was advising. Tellingly, because of the facts, it also knew that the drug was prevented from sale in the USA on safety grounds under legislation passed in 1938—as with Equitable Life there was a producer and a regulatory failure.

There is little doubt that that general analysis is accepted worldwide. In every other nation where compensation is given—even if that compensation is less than that given in the UK, and in some cases it is—the state contributes. The UK Government have, in reality, done very little in a financial sense to resolve the problem and, until recently, they have collected far more in tax than they have given out in lump-sum benefits.

However, there is absolutely no doubt whatever that the Government want to solve the problem, and I genuinely believe that that is not just because of the force of Back-Bench opinion or the campaigning quality of the thalidomiders themselves. I understand that Nick Dobrik considered getting elected to this place for South Cambridge, in order to take the matter further, which is a rather desperate remedy in the current circumstances, and I would not necessarily advise him to follow it through. I would like to believe that ultimately the Government will accept that there is genuine force in the arguments that are being presented.

There are two solutions still on the table: one is the Government's preferred solution, which is to pilot personal accounts and direct payment initiatives; the other, which is from the Thalidomide Trust, is to accept the costed financial plan that it presents and use ex-gratia payments. In judging the two options, we must remember that we are not just gauging the needs of those who happen to be disabled by circumstance; we are considering people who could have lived totally different lives had commerce been more feeling or the Government more vigilant. Yes, it is a matter of meeting needs, but to some extent it is also a matter of restorative justice.

The Government's favoured solution is to use an embryonic mechanism of direct payments—a pilot—for an uncharacteristic, small, diverse and widely spread group, to be administered by local bodies with limited funds and, it has to be said, limited knowledge, expertise and skill. In any case, such a scheme would be time limited and means-tested.

The alternative suggested by the trust is to use a tried and tested organisation of unquestionably the highest probity that is intimately linked to the recipients of the benefit and is aware of the task it faces. When confronted with that analysis, the next step seems fairly obvious. The Government's duty and the road ahead are clear. The Government might not necessarily want to take a step down that road today, but they need to take the matter away from the Floor of the House, sit down with Nick Dobrik and the trust, look at the plan, look again at the problem and produce what everyone in this room wants: a permanent, just and workable solution.

10.26 am

Mike Penning (Hemel Hempstead) (Con): It is a pleasure to participate in a debate on a subject that I am surprised took so long to be discussed. I am not surprised that the hon. Member for Staffordshire, Moorlands (Charlotte Atkins) has brought the matter to Westminster Hall, considering the campaigner she is. It was a pleasure to serve with her on the Select Committee on Health.

The campaign that has, frankly, been run so brilliantly by the Thalidomide Trust and the advisory board has been strong, sensible and very active. The hon. Member for Southport (Dr. Pugh) alluded to the fact that, a few months ago, one or some of the thalidomiders considered standing for election—perhaps Cambridgeshire is not quite the place, but certainly having that sort of campaigner in the House would be a credit to the House and not a hindrance.

I have met representatives of the Thalidomide Trust many times. We have had robust, but open and honest discussions. My door will always be open to them now and in the future. Their ability to fight for their rights, friends and fellow sufferers is a tribute to them. As we have heard today, the experts assumed that they would all be gone by now and the problem would be over because perhaps they would not have lived this long. As someone who was born in 1957, I am conscious of how close my parents were to the taking of this drug. My mother tells me that she suffered enormously with morning sickness so, but for the will of God, I could be sitting in the Public Gallery listening to the debate now.

[Mike Penning]

I pay tribute to the ferocious tenacity of the thalidomiders. As we heard from the hon. Member for Gower (Mr. Caton), the chair of the all-party group on thalidomide, their parents were worn down. This group of people are not going to be worn down, and that is obvious to all of us.

I have listened intently to the debate and heard the responses of hon. Members, some of which I am sure the Minister will reiterate. It is enormously difficult when such a diverse group of people have had their lives blighted by one cause, but they have needs that are completely individual. I do not think that one single thalidomide victim is identical to another. Their problems might be similar, but they are not identical. I find it difficult to understand how a pilot group of 20, 30 or 40 people could replicate the needs of all 363 people who need help. I shall be interested to hear from the Minister how he expects a pilot project that is based around the primary care trust structure to work, given that some PCT areas have no people who suffer from the effects of thalidomide, and others have numerous sufferers, each one of whom will be different.

The expertise that the trust has acquired over the years, not least through help from universities such as the university of Leeds, is the sort of knowledge that we need to take this matter forward. We need to draw a line under this issue. The thalidomide campaigners need to stop having to campaign; they need a rest. Having met them on many occasions, I know that they are exhausted, but I also know that they will not give up.

Mr. Gregory Campbell (East Londonderry) (DUP): In outlining his thesis, the hon. Gentleman has clearly established the diversity of the victims' needs. Given the diverse nature of PCTs and the different ways of administering health care across the UK, does not that make it all the more important that the issue should be taken beyond any pilot and resolved immediately? No one doubts the Government's intent, but we need a resolution.

Mike Penning: I completely agree. I do not think anyone doubts that the Minister and the Government want to help, but the debate is about how to do that and how we can be fair to all the individuals who suffer from the effects of the thalidomide drug. I do not suggest that this matter can be dealt with once and for all, because people's circumstances will change as they get older, but we certainly need to get past the current situation in which many of those people are suffering in ways that none of us can comprehend.

The very nature of this issue means that people have different needs. Health needs have been discussed, and the hon. Lady mentioned that some victims have already had joint replacements, but for many sufferers that would not be possible because their joints are not replicable. Some people's joints cannot just be replaced tomorrow because they are unique as a result of their condition. It is very difficult to see how all those needs will be met by PCTs around the country.

As well as health needs, those people have other needs relating to their quality of life, especially as they move into their 50s and, we hope, into their 60s and 70s. I am sceptical about how personal health budgets will work, because many thalidomide victims do not have health needs today, but have other needs that are not part of the health budget. They think it important that the Minister addresses this issue, and I am sure that he is toying with that idea and fighting with his own Department about how it can be addressed. I repeat that thalidomide victims are exceptional cases, and that there are no replicated cases. I am pleased that the Government have already addressed the tainted blood problem. I had the honour of being the chair of the all-party group on haemophilia before I came to the Front Bench.

Thalidomide victims need help today. How are we going to cross the Rubicon between what the trust, the advisory board, the all-party group and the campaigners feel needs to be addressed today, and the Government's position? The Opposition's view is that there should be an independent review of all the medical needs of thalidomide victims. That review has to be independent; it has to be carried out away from the Government, the Department of Health and the trust, because although the expertise is there, there will always be a scepticism within the Department. I call on the Government to announce an independent review to assess the individual needs of all thalidomide victims. If they do not do that, and if the Conservative party forms a Government, it will announce a review immediately after the election. Our review would look at the capacity of the Thalidomide Trust to assist its members, at how the NHS is addressing the needs of thalidomide victims, and at how local authorities and the Government in general are assessing their needs. That is the least that we could do. The review should report within three months, and the Government should then come forward with proposals on how the long-term needs of thalidomide victims will be addressed.

10.35 am

The Minister of State, Department of Health (Mr. Mike O'Brien): Let me begin by joining in the general congratulations to my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) on securing the debate on this enormously important issue. We have heard several passionate contributions to the debate—from my hon. Friend the Member for Gower (Mr. Caton), my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) and my hon. Friend the Member for Bedford (P[illegible]ick Hall), as well as from the hon. Member for Wyre Forest (Dr. Taylor), with his historical knowledge of the situation. We have also heard from the hon. Members for Banbury (Tony Baldry) and for Southport (Dr. Pugh). The contribution of the hon. Member for Hemel Hempstead (Mike Penning) was slightly disappointing, in that he simply proposed another review.

We need to clear the decks a little regarding what the issues are. The hon. Member for Banbury is right about my having been given the traditional Minister's brief. Let me dispense with it and talk more broadly about the key issues. We can argue about the money, but that is not the issue, frankly. The issue is whether people have health and care needs that must be addressed. The national advisory council of the Thalidomide Trust has put to me its views about thalidomiders' concerns about their health. I accept that many of their health needs are changing and increasing. For some of the people who have survived thalidomide and received compensation

in the past, through Diageo, Distillers and the Thalidomide Trust, and who are receiving some payments, their life expectations have changed substantially since those agreements were reached. I accept that entirely, and we must now look at the implications of the situation. We must look at their health and care needs and consider how they can best be addressed.

We can argue about history and about money, but the main issue is working out the main health-care needs of thalidomiders. The issue is one of liability. The Government could set out their position at some length, but I do not propose to do that today, because I want to concentrate on the future, rather than the past. Let me make it clear that I accept that there are increased health needs that now need to be addressed. Some of my proposals would probably cost more than what the NAC is asking for in its discussions with me, so I repeat that the issue is not money.

Dr. Pugh: Will the Minister give way?

Mr. O'Brien: Let me just explain what the issue is about. It is about how we can best address people's needs. I do not have a fixed view on that. I have had a couple of meetings with the NAC and I am grateful to it for coming along and putting its case for ex-gratia payments to me clearly. I am considering its case, but the issue is difficult—I shall not go into all the arguments—and I have put an alternative proposal to the NAC. My proposal would involve similar amounts of money to those that are likely to be paid, but they would be paid somewhat differently. I have asked the NAC to work with us on my proposal—to work through the iterative process of identifying the detail and how we could help. It might be that my proposal would not work, or there might be more to consider regarding the NAC's proposal. We need to find some way of dealing with the matter together. I want to go through that process of looking at the detail; I want to examine the health-care needs of thalidomiders, consider how those needs can best be addressed, and look at the best way of doing that.

I will come on to the various concerns that my hon. Friend the Member for Staffordshire, Moorlands, expressed and deal with them in detail; I think that I have enough time to do that. First, however, I want to be clear that we are not proposing that only 20 people should be involved in the pilot. I want to find a way of using the considerable skills and knowledge of the Thalidomide Trust to ensure that the health needs and care needs—I will outline in a moment why I use those terms separately—will be addressed financially and with regard to provision. I agree with my right hon. Friend the Member for Knowsley, North and Sefton, East that there is a great deal of skill in the trust that we need to access. We can use its historical knowledge, the knowledge of the individuals in its database, and the trust that it has won from thalidomiders to ensure that needs are properly addressed.

I propose that we work with the Thalidomide Trust to consider individuals who have particular needs, to assess those needs, and to identify a project that will enable those health and care needs to be met. I accept that those needs will, as my hon. Friend the Member for Gower said, include a need for care hours, help with cleaning and gardening, adaptions to homes and cars, and a range of other things. We must find out how we can best address all those needs.

Tony Baldry: The Minister acknowledges that those health and care needs will involve funding, but will he clarify whether that funding will be allocated specifically to primary care trusts and ring-fenced, or whether it will go directly to the Thalidomide Trust? I hope that he will not take it amiss if hon. Members would like to understand exactly where the money will come from and where it will go to.

Mr. O'Brien: I will happily set that out in a moment, because hon. Members will want to know how that money could be channelled if we reach agreement.

Dr. Pugh: Earlier, the Minister referred to changing health needs. One limitation of an independent review is that we will only capture the needs at a particular time. I sense that many people are looking for a mechanism that would give them security for the future, whatever their needs. Some of those needs are imponderable, and we cannot work them out at the moment because we have never had thalidomide in the world before, and hopefully will never have it again.

Mr. O'Brien: We need to ensure that needs are properly assessed. The Thalidomide Trust has a mechanism, and I want to assess the sort of help that its beneficiaries need. I want to work with the trust to see whether that is a good way, for our purposes and those of public funding, of assessing the needs of individuals. It may well be that it is, but we need to look in detail at how the trust assesses needs and distributes funding, because we might learn something from that; there might be a mechanism that, with some work from my officials, we can use.

With regard to the proposal, we are looking at whether we can use the current legislation for social care, and the legislation that is going through the House for individual budgets for social and health care. We are looking at joining them together and then identifying about 20 individuals across a range of disabilities, whose needs would be assessed for a pilot. We could then put funding in place. The detail is still to be worked out, but the idea is to work with the trust and direct funding through it to ensure that individuals' needs are met in an agreed way.

Those needs can be various; they can range from adaptions to vehicles and help with musculoskeletal problems to assistance with particular health-care needs. Long-term conditions often entail particular kinds of health-care needs. All those requirements could then be identified within a budget. That would not include admissions to hospital; they would continue to be covered separately, but health-care needs that do not involve admission to hospital can still be considerable.

I have identified the figure of 20 because that might enable the university of York and the other institutions that are assessing the pilot to determine whether it is a success and adequately delivers what we want it to deliver. I am clear that the figure of 20 is not a maximum; it could increase to 400 or beyond, if necessary. The figure of 20 is used only for the purpose of the assessment. We would want to work with the trust to determine whether the project shows the best way to help people

[Mr. Mike O'Brien]

with their conditions. I agree with the hon. Member for Banbury that those conditions are often varied and multiple, so we need to be able to assess the corresponding needs.

My hon. Friend the Member for Staffordshire, Moorlands asked how the level will be calculated for individuals. We hope that it will be calculated by an agreed assessment, and we want to work with the trust to see what it identifies as the individuals' needs, how they can best be helped, and how much that will cost. We will then identify a sum.

The hon. Member for Banbury rightly asked where that sum will come from. It will come from the place where individual budgets will come from: from the money that will be identified for social care, and the money that will be identified for the health needs of individuals. The cost of meeting health-care needs will come out of primary care trust budgets, and the cost of meeting care needs will come out of social services budgets.

We want to identify individual budgets as a national project on which we will engage with the Thalidomide Trust, if that is the right way to proceed. With regard to health, the funding will be led by one primary care trust, which will work with the others to bring the funding together and ensure that it is directed into the appropriate channel. We would work with the various local authorities to identify the social services budgets and bring them into a central pot that would be directed through the Thalidomide Trust, if that is what is agreed—I say that because there is still much negotiation to be done.

My hon. Friend the Member for Staffordshire, Moorlands asked whether we will help with the costs for the trust, and the answer is yes. I have already identified a particular sum that would be available, and that would be a matter for negotiation. I do not want to have negotiations in public. I have had several useful meetings with the national advisory council of the Thalidomide Trust, and I want some confidentiality in respect of the details of those negotiations, so hon. Members will forgive me if I do not identify a particular figure.

Mr. George Howarth: The Minister has helpfully described how he intends to work with the Thalidomide Trust to try to find a way of taking the issue forward. If during those discussions the trust can demonstrate that a scheme could be brought in without the need for piloting, would he be open to that?

Mr. O'Brien: That would not pose an insurmountable difficulty, but let me pause there a little. The legislation being taken through the House in respect of the health budget—not the social care budget—deals with pilots and enables us to run a pilot to identify the issues. Although the circumstances of thalidomiders are, in many ways, unique, the project—if it works—need not be unique. Other groups that work with organisations might benefit from an extension of it in the long term. I give no guarantees about that; we will have to see how it works.

I shall go through some of the questions that I have been asked. How would things be organised, given that thalidomiders are so spread out geographically? It is certainly true that we would involve various PCTs and social services, but the Thalidomide Trust currently provides help to many thalidomiders directly, so we would use the trust to deliver many of the services to individuals. Services could be purchased from various sources. They could be purchased privately, from the voluntary sector, or from local authorities, using available funding. It will be possible to provide services on a diverse geographical basis, just as it is possible now, for many thalidomiders.

I was asked what happens in 2012 when the pilot ends. If the pilot works, I hope that the project will continue. If it does not work, we will have to identify the problems and try to address them. We will have to try to ensure that a project is put in place that does address the health-care needs of thalidomiders.

Let me be clear about this: I am talking about a pilot. I want to see how it works and whether it could help other groups, too. I do not yet know all the answers. However, I am not arguing about money. The figures that are generally used range from £8 million to £12 million—I have seen various figures—and the scheme that I am suggesting could be in that realm, if it applied to all thalidomiders.

I will not get into a historical argument about liability. I want to address health-care needs. When the thalidomiders came to me, they said, "We have increased health-care needs. We want the Government to address them." That is a perfectly straightforward and completely legitimate point of view for them to take, and it is one that I accept. The issue is how that can be done, and how quickly we can put a scheme in place. We do not need long reviews of three months or whatever. We could put the scheme in place from next year and start to identify the way—

Mike Penning: Will the Minister give way?

Mr. O'Brien: I referred to the hon. Gentleman's proposal and will give way to him in just a moment. We need to be able to put a scheme in place as soon as possible—in the early months of next year—and we need a clear way of discussing with the Thalidomide Trust how we will take it forward.

Mike Penning: The Minister referred to a long inquiry. If the inquiry started today and finished three months from now, he would still possibly have three months in government before the general election. We still do not know whether the pilots, which will take place between now and 2012, will work—he admitted that a few moments ago—whereas an independent inquiry, today, into the long-term needs of thalidomide victims could be carried out quickly. The matter would not be kicked into the long grass, but dealt with today.

Mr. O'Brien: What the hon. Gentleman proposes is an excuse for not committing to anything now. Fairly soon, I want to reach an agreement to commit to something. I want to do that now, or in the coming months, not over a longer period. I do not want to leave things vague. *[Interruption.]* I do not want to have a party political row with the hon. Gentleman. I want to get on and find a way to resolve the matter. Hon.

Members have rightly said that the issue has dragged on for too long, and I agree with that. I want to find a way to deal with it.

Charlotte Atkins: Will the Minister give way?

Mr. O'Brien: If my hon. Friend will forgive me, I want to deal with the questions that have been put to me.

The next question was about how circumstances can change for individuals, and whether we would look at changing circumstances as part of the project. The answer is yes, we will. The amount of funding would have to be agreed over a period of several years, and then, as circumstances changed, it would have to change. As individuals develop different health-care needs, the amount of funding would have to address that.

Charlotte Atkins *rose—*

Mr. O'Brien: It appears that my hon. Friend wants to raise a point on that subject.

Charlotte Atkins: I want to make a point about the so-called independent review. The Thalidomide Trust has been independently reviewing the issue for 40 years, and it is the organisation that has all the knowledge. There is no need for an independent review. The trust has the information, it has its finger on the pulse and it knows exactly what the needs of its beneficiaries are.

Mr. O'Brien: Which is why we need to access the Thalidomide Trust's knowledge. I hope that my officials can have constructive discussions with the NAC. I met its representatives on 16 July and 22 October, and I hope to meet them again soon for further discussions. My officials plan to visit the trust later this week, and I hope to have a further meeting with the NAC a week or so after that.

The NAC has been clear with me: it wants ex-gratia payments. It has set out its case with force and eloquence. I had the pleasure of meeting a range of thalidomiders just before this debate, and, as I said, I have met with the NAC; they make their points forcefully and persuasively. That is why I am anxious not to get into the traditional arguments. I could have set out the Government's traditional position, but I want to see whether there are ways to resolve the issue. We need to talk to each other in an honest and straightforward way. I have a view about how we might be able to deal with the matter, and am happy to say that it might work. I hope that it will, but it might not, in which case, if the trust has clear arguments against the proposal, we may have to go back to the drawing board and look at the matter again.

The trust has put forward proposals, but I have concerns about them. For example, if funding is to be directed through the trust, how will we get verification of how it is spent? By and large, we are happy that the trust is a good organisation, and we want to work with it. There is constructive dialogue between it and the Government, but I do not want to drag it out, which is why I said a few weeks ago that I wanted a meeting fairly quickly. I do not know whether we will get a deal before Christmas, but the NAC said that it would like to reach an agreement by then. I do not know whether that is possible, but I would like to do that, if we can.

Dr. Pugh: On a similar point, under the Minister's scheme, if a PCT in the pilot has thalidomide victims who need to be funded via direct payments, the funding presumably will come from additional resources given by the Government for running the pilot, not from existing PCT resources which, as we all know, are stretched right across the country. Presumably the funding will not come from the existing overall PCT budget.

Mr. O'Brien: Yes. Individual budgets will come from PCT budgets, but additional assistance for the Thalidomide Trust to administer the system will not. It is clear that direct payments come from existing budgets in any event.

The question for me is how we ensure that the increased health-care needs of thalidomiders are met. I accept that they need to be met. How are we to do it, and how do we ensure that power remains with individual thalidomiders? If the funding goes to them, they should have some choice about how it is directed, and if they want to direct it through the Thalidomide Trust, we should discuss with the trust how that can best be done.

Sustainable Housing (Blackpool)

11 am

Mr. Gordon Marsden (Blackpool, South) (Lab): It is a pleasure to serve under your chairmanship, Mr. Cummings, and a pleasure to talk about the issues to do with Marton Moss and sustainable strategies in Blackpool.

When I was a child growing up in Manchester and Stockport, one of the highlights of our annual visits to Blackpool, after we had done the golden mile and, hopefully, won something on the grab machines and gone on the beach was to go out of the back of the town, which in those days did not have the excellent motorway connection that it has today, and pick up Blackpool home-grown tomatoes from one of the nurseries on Marton Moss. There are not as many nurseries there now as there were when I was a child, but Marton Moss still retains that essential semi-rural character: Blackpool's oldest cottage is nearby—"Blowing Sands". It is criss-crossed with dykes and there are still market gardens, there are horses in paddocks, seven or eight species of birds in many residents' gardens and an 18th century cattle shelter. That is perhaps not what people would expect to find in Blackpool.

This debate is designed to underline a major planning controversy that has blown up about proposals to build hundreds and, in the long run, thousands, of homes in this area and to highlight big challenges about the sustainability and affordability of housing and the regeneration in central areas of Blackpool. The controversy has led to a sustained 12-month campaign to save the Moss, supported across Blackpool by me, as the local Member of Parliament, and by thousands of local residents. It has been further heightened by revelations that the developers wishing to build on the Moss made two £5,000 donations to the Blackpool, South Conservative association—the council is Conservative controlled.

The controversy over the Moss was a central issue in a by-election in the ward in August, not least because of some of the key figures involved in the campaign and allegations that some of the councillors involved would have to decide on the Kensington Developments planning applications. The controversy also throws up big, general questions about the need to have a coherent strategy to link the siting of new homes with coherent skills, employment and environmental policies and the Government's desire to give preference to brownfield over greenfield developments.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Does my hon. Friend agree that one key reason for looking at brownfield sites is that Blackpool has a high water table? If we build on Greenfield sites, we create a danger of flooding not just in Marton Moss, but in parts of Blackpool, North, which I represent, where we have seen exactly that happen.

Mr. Marsden: My hon. Friend is right. I will illustrate some severe concerns about the sustainability of such a major development on Marton Moss, as is currently proposed.

There are two separate developments at issue. First, the council's core strategy presently envisages nearly 3,000 houses being built in the Marton Moss area. Secondly, there are two specific planning applications from Kensington Developments to build between 500 and 700 houses, with double that amount of car parking space, on a 17 hectare site. Kensington proposes building on land that already floods frequently and has inadequate sewerage services and roads to cope with such a major expansion. The Kensington applications contain no significant low-carbon or sustainability proposals, no targets for affordable housing and no comments on the threat to local wildlife that is prevalent in the area that would be produced by such a development.

Another issue that is not unimportant is that many other houses that have been built in and around the Marton Moss area in recent years remain unsold. At a time of economic downturn and a certain degree of stagnation in the housing market, there must be grave questions about whether a development of this size would be sold off rapidly.

A key issue is that the council has never had a major consultation with people in the area, either on the core strategy or the Kensington applications, although, as I shall argue, local residents have, in responding to my survey on the issue and via petitions, certainly not been silent on that.

Kensington has been a major developer in the area of Fylde and Blackpool. In late 2008, having sniffed around for about 12 months, trying to acquire parcels of land in and around the Marton Moss area, it formally put in its first planning application for up to 640 houses. On 11 November 2008, I wrote to the team leader for development control in Blackpool borough council, underlining the objections that had already flooded in to me from large numbers of residents in the area about the development, including

"Little consideration for the implications of such a large scale development on congestion and road conditions",

where there are already

"a number of narrow roads never designed for such a large scale expansion of housing...The potential for deep and significant problems from a major building project...on land where past experience and local knowledge suggests that it could be unstable and unsatisfactory long term for such a development. There are"—

this touches on what my hon. Friend said—

"existing drainage problems in and around Midgeland Road"—

on the Moss

"and the impact on the water table could be severe...Concerns that the character of the area and the richness of its wildlife...could be irreparably damaged by a development which would involve the loss of hedgerows",

destruction of trees, encroachment

"on breeding and foraging habitats as well as...the ability of people to exercise their animals freely—together with small businesses who are sustained by the rural character of the Moss."

Finally, I mentioned

"An unacceptable pressure put on existing services—whether schools, doctors or other public provision—in the area as a result of expansion which,"

I underlined,

"did not take into account such increased need."

Subsequently, when Kensington appealed initially, in June 2009 I added some comments in a letter underlining the concerns about development, saying:

"I believe in this respect that the Kensington proposals are antipathetic to the Government's and",

in particular,

"DCLG's objectives of creating high quality, sustainable mixed and inclusive communities".

That was the situation then. But at the same time as the development application had been submitted, the council was producing its own core housing strategy, which produced the large numbers projected over a 15 to 20-year period that I have mentioned. In its defence, the council talked about the need to address the growth point strategy that it had signed up for in 2007 with four other councils. I should like to go back to what the council was obliged or not obliged to do as a result of that. I quote from the general criteria the council was given by the Government in the growth points document on the Department for Communities and Local Government website, which talks about the growth point strategy:

"The Government invited local authorities to submit strategic growth proposals which were sustainable, acceptable environmentally and realistic in terms of infrastructure…proposals will need to set out their local and strategic impacts on the environment (for example regarding water supply, flooding and sewerage)".

There are grave doubts about all those areas in respect of major developments on Marton Moss. The council, in its 2008 document on the central Lancashire and Blackpool growth point, which it signed up to, said that in that area sustainability was its most important consideration.

When the initial core strategy was produced in March 2009, there was an enormous amount of protest. I received 400 plus responses from constituents that were almost unanimously against both the core strategy as it then was and the Kensington application. On Friday 6 March there was a protest meeting at Highfield school in my constituency, near the Moss area, at which I spoke. The leader of the "Save Our Moss" campaign, Angelia Hinds, spoke as well. I pay tribute to Angelia Hinds and all her colleagues on that committee for their sustained and detailed questioning of the council and the developers throughout the whole process. At a council meeting on 15 March, Councillor Fred Jackson, a colleague, moved an amendment to the core strategy to prevent a decision being made on it without proper consultation and detailed examples of its impact. The council gave neither, but moved the goalposts rapidly.

What are the opposition and the arguments? Of course people who live on the Moss, both old and new residents, are concerned and passionate about their circumstances. They have a quality of life that they want to preserve. The practical objections are to the council's core strategy for the whole of Blackpool, as well as what may or may not happen on Marton Moss with Kensington's large development. There is opposition from ecologists at Lancashire county council, and the protesters have a strong understanding about the choices to be made between peripheral and central development in Blackpool.

Many hon. Members know about Blackpool's history. Its drive for regeneration and its bid for the casino and so on were pointed on our need for growth, development and stimulus in the town's central areas, where some wards are among the most deprived in the country. I have said repeatedly, and said at the protest meeting, that money is available from the Government and other sources for a properly costed regeneration strategy for housing in that area.

The Moss is called that for a reason. Blackpool is riddled with examples of over-optimistic building producing sunken driveways and constant flooding. I could take you to parts of my constituency, Mr. Cummings, where expensive houses that were built on the periphery several years ago have driveways that are not level, but are v-shaped, because they are in areas where the sand meets the moss. That is why people who live in south Blackpool are known as sandgrown'uns, and those who live at Marton Moss are known as mossheads. There is a lot of history behind the reasons for being cautious about building in the area.

In the wake of all that criticism, the council delayed, and Kensington became impatient and appealed to the Department for Communities and Local Government, when the Government's planning inspectorate stepped in and said that the matter would have to be referred. On 4 June, the front page of my local newspaper, the *Blackpool Gazette*, quoted the Government's inspector:

"The size of the proposals would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality sustainable mixed and inclusive communities."

Kensington then made a second application with very few changes—for 570 houses, down from 640—and withdrew its appeal on the back of the second application. To many of us at the time, that seemed a curious, smoke-and-mirrors exercise, which was one reason why I wrote to the chief planning officer on 9 July making exactly those points. At the same time, the council said that it had made major changes in its core strategy, which turned out not to be the case. In my letter, I said that the new proposal was

"essentially a cosmetic exercise and…will have…very little effect in lessening the negative congestion, service use and environmental and other impacts".

I said that nowhere did the application address alternative scenarios for the Moss, to provide substantial employment for the area, such as developing a nature reserve, eco-tourism, and other green business initiatives. I pointed out that it would do nothing to support the housing market restructuring and renewal that Blackpool council, under the regional spatial strategy, had signed up to, nor to renew, refurbish or bring housing space in the town back into use. The regional spatial strategy plan says that local authorities should maximise reuse of vacant and unused buildings.

It seemed that the council wanted to move the goalposts, and a detailed executive report of 15 July to the cabinet executive left the overall direction of travel unchanged. There was no broad consultation with people in the area, and no comprehensive rethink, which Councillor Jackson and other opposition councillors had asked for in the March 2009 debate. A proposal by the opposition for further consultation on the core strategy was blocked by the ruling group. On the back of that, on 15 July I wrote to the leader of the council again querying what the strategy was designed to do. I talked about the lack of a proper in-area bid, and said that the report had not taken any account of the new environmental and local carbon requirements that the Government would demand in housing strategies, let alone new proposals. I also said that any genuinely thoughtful review, which this was asked to be, would have addressed issues such as the revival of allotments, eco-tourism and a nature reserve that might bring new employment to the Moss and to Blackpool's outskirts.

[Mr. Marsden]

The only response I received to my letter to the leader of the council, after waiting months for a detailed reply, arrived only two or three weeks ago but, curiously, was dated 4 August, and dealt only peripherally with my letter. It included the words:

"It is true that a Hub development would meet wider housing needs and relieve pressures in other parts of Fylde Borough".

In other words, the strategy was focused more on the needs of Fylde borough than those of people in Blackpool.

At that point, fate took a hand. The sudden and sad death of the councillor for Stanley ward, which includes Marton Moss, precipitated a by-election in August. Inevitably, the council's position on Kensington and the future of Marton Moss became a key issue. However, few were prepared for the spectacular stream of revelations during the last five days of the campaign. My local newspaper, the *Blackpool Gazette*, broke the story that Kensington Developments had given two donations of £5,000 to Blackpool, South conservative association, one in July 2008 and the other in May 2009, just before its second application went in and the council revised its core strategy. The headlines that followed in the *Blackpool Gazette*, speak for themselves: "The Tories and the Tainted Cash," "Tories defend cash gift," "Now it is another £5,000" and "Tories agree to repay £10,000 to developers."

The planning chair stepped down from considering the future of the Moss because he was also its councillor. There were allegations that the Conservative candidate at the by-election had known about the donations and done nothing, and the north-west Conservative agent, who carried out an internal investigation, said that the money had been earmarked for the prospective Conservative parliamentary candidate's election fund. The leader of the council, who said he was furious about the matter and demanded the return of the money, then demanded a letter from his councillors saying that they knew nothing about the donations. It was signed by 21 councillors, but six have not signed it. Since then, the deputy leader and other councillors have been referred to the Standards Board, and the latest headline in the *Blackpool Gazette* on Saturday 31 October stated, "Deputy leader in cash gift probe." It is perhaps not surprising that on the back of that controversy and the continued objections, the Government office for the north-west wrote to the council on 16 September saying that the Secretary of State was directing the council not to grant permission for Kensington's application without special authorisation and reference.

I want us to remain focused on the real issues of policy, and to emphasise the key issues. Blackpool's regeneration is a key issue for everyone in the town, and we should be looking positively for ways to take it forward. That is why I have repeatedly urged the council to engage positively with an alternative agenda to their obsession with building on the periphery, why I raised the issues with the then Minister with responsibility for housing, my right hon. Friend the Member for Derby, South (Margaret Beckett), in the spring, and why I wrote to the chair of the Homes and Communities Agency, Bob Kerslake.

The Moss campaigners recognise that a strategy for the area must be linked to employment and skills overall. In a note on the council's core strategy, Angelia Hinds and her colleagues say: "Absolutely nothing has been done about attracting employment opportunities. Have any proposals been put forward to suggest how this will be done or will the whole area become a dormitory town? The proximity to the M55 will encourage residents of the new village to travel to Preston and Manchester, rather than go to the centre of Blackpool. The prospects then for the inner town are not good."

Blackpool and Marton Moss need a coherent strategy that works with the grain of Government policy, the regional spatial strategy and the growth point. I ask again why Blackpool council has not turned to its partners, especially Fylde, to consider what they can do to take up some of the slack.

Kensington is still stonewalling on these issues. In its latest letter to Blackpool council, its property consultants brushed aside residents' complaints, stating that

"with regard to comments of local residents, generally I do not consider it is the role of applicants to respond...we stand by the contents of our Environmental Statement."

Ultimately, this is about sustainability and coherence. It is about not narrow nimbyism, but coherent strategy planning that recognises that Blackpool's needs can be met only with a sustainable programme for the centre. We need the dynamic twin-track approach of major, practical, cost-efficient brownfield development that can attract more HCA and private sector funding, and an imaginative new deal for Marton Moss.

The people of Blackpool and the Moss know that. Let me give the last word to some of my constituents who have contacted me. One said:

"I don't think the infrastructure is sufficient to cope...I am worried about the wildlife and who is going to buy all the houses."

Another said:

"There's enough derelict and empty housing within Blackpool that could be redeveloped rather than use this beautiful nature environment."

Another said:

"I agree...with the points...raised on the state of the land—it is one big bog."

Another said:

"The key to regenerating Blackpool is to redevelop eyesores and dilapidated buildings...once greenfield land is developed it is lost forever."

Finally, Shirley Earnshaw of Midgeland road said:

"As a resident of Marton Moss for over 30 years I am appalled at the idea of the proposed development—we have a moral duty to protect the environment for future generations."

That is what the people of Blackpool and Marton Moss are saying. I can only hope that Kensington Developments and Blackpool council will listen to them.

11.22 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): It is a pleasure, as always, to serve under your chairmanship, Mr. Cummings. I congratulate my hon. Friend the Member for Blackpool, South (Mr. Marsden) on securing the debate and raising this important issue, which I know is of great interest to many of his constituents. It was fascinating to listen to what he had to say. I must confess that when I was taken to Blackpool as a child, we drove in and out and did not get to stop in Marton

Moss and see all the great things in the area that he told us about, so I feel that my childhood was lacking in comparison to his.

I also congratulate my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble), who takes a very keen interest in this issue and has contributed to the debate. Both my hon. Friends work tirelessly and effectively for their constituencies and are great champions of and for Blackpool, speaking up for the people whom they represent. I am sure that the work that they are doing on this issue will be noticed by those people. I would be very pleased if the local council could work as closely as possible with both my hon. Friends on these and other matters.

However, I must say at the outset—I am sure that my hon. Friends will understand this—that I can make no direct comment on the current planning application, because there is a possibility of that being called in for decision by the Secretary of State, and pronouncement on it now would prejudice the Secretary of State's decision.

My hon. Friend the Member for Blackpool, South read out the results of the local paper's investigations. It should be congratulated on the work that it is doing in the area. However, it is pretty clear that there are other investigations and issues affecting this case that make it an even more sensitive issue.

I would like to clarify the Government's position on housing. Clearly, the long-term demand for housing is rising. The 2008 regional spatial strategy for the north-west increased the average annual requirement for new houses in the region from 12,790 a year to 23,111. That was based on independent research commissioned by the North West regional assembly. It attracted remarkably little controversy at the public examination. Blackpool's share of that housing allocation amounts on average to 444 homes a year. The overall housing estimates and allocations to individual local authorities were accepted by the vast majority of authorities without disagreement.

However, it is important to remember that RSSs do not go into site-specific detail and it is up to local planning authorities to decide where to locate the housing development allocated to them in the RSS. Authorities should do that through their local development frameworks. That will not only ensure plan-led development as intended by the Planning and Compulsory Purchase Act 2004, but that local communities are fully consulted on both the need for and the siting of development in the area. Blackpool is working on a new LDF core strategy that will provide a framework for identifying sites for new housing development.

The increase in housing requirements in the north-west reflects an increased need for housing in the country as a whole. For decades, there has been a mismatch between supply and demand for new homes, leading to significant problems of affordability, particularly on parts of the Fylde coast, where housing is out of reach for those on low incomes. The downturn has significantly impacted on house prices and the delivery of housing, but falling house prices have not solved the affordability problem. On the contrary, mortgage rationing and larger deposit requirements have made it harder to buy a home. At the same time, demographic pressures continue to build, with the latest projections showing that the number of households in England is likely to grow by about 250,000 a year. That underlines the urgent need to achieve a step change in housing supply.

It also needs to be borne in mind that Blackpool council decided, as we heard, to be part of the central Lancashire and Blackpool growth point. The purpose of growth points is to provide additional housing over and above the requirements in the RSS. The 2008 programme of development proposed a 32 per cent. uplift above RSS housing levels across the growth point as a whole and a 16 per cent. uplift in Blackpool. The programme of development proposes new housing on a number of urban sites, including the North and South Beach regeneration areas, Talbot Gateway, Squires Gate and Blackpool and The Fylde college, as well as parts of Marton Moss and Whyndyke Farm. However, the Government have always made it clear that any housing proposals in a growth point must be tested through the planning system in the normal way and that the growth point mechanism is not a short cut.

The Government have taken quick and decisive action in responding to the challenges facing the house building industry, to keep the industry moving and protect jobs. More than £7.5 billion is being invested over this year and the next to deliver 112,000 affordable homes. That includes the funding announced on 29 June as part of Building Britain's Future, whereby over this year and the next, another £1.5 billion will be invested to provide an extra 20,000 new affordable homes, of which 13,000 will be for social rent. That is good news for families in housing need, and it is estimated that 45,000 additional jobs will be created in the construction industry and related industries over the three-year construction period. It will enable local authorities to build 3,000 additional homes over the next two years—a fourfold expansion of the scheme announced in the Budget. Like my hon. Friends, I urge the council, registered social landlords and developers in Blackpool to take advantage of the extra money that the Government have made available to give the local development industry a shot in the arm.

Once development is back on track, it is the job of Blackpool council to decide where the requirement for additional housing should be met. In working on its new LDF core strategy, the council must decide on the appropriate balance between urban brownfield sites and new greenfield sites. The Government have made it clear to local planning authorities that they should normally use previously developed land first. Neither the council nor the Government should give up on regenerating Blackpool's inner area as an alternative to additional greenfield development.

The council is discussing with the Homes and Communities Agency a proposed £35 million package for new housing in the Tyldesley road area of Blackpool. It is also discussing another scheme for the conversion of houses in multiple occupation into apartments. Blackpool faces its own unique housing challenges in its inner area, arising in particular from the high numbers of HMOs and the numbers of vulnerable people whom they attract. The council is working on improving the quality of private landlord management practices and the quality of housing on offer. The Government are working on improving the town's economic base through the regional development agency and the development corporation.

[Mr. Ian Austin]

While Blackpool council is considering the pattern of long-term development, I am aware that Kensington has submitted an outline planning application to build 584 houses, with associated parking, village green and so on, on part of Marton Moss. My hon. Friend will understand that, as I said, it would be inappropriate for me to comment further on the planning application. The council has already been directed to refer the application to the Secretary of State, should it be minded to approve it, as it could raise issues of more than local importance. It will then be for the Secretary of State to decide whether to call in the application or to allow the council to proceed to determine it. It is important, therefore, that the Secretary of State be seen to be carrying out his planning responsibilities impartially, and I cannot prejudge the case.

My hon. Friend has raised an important issue about the future of Marton Moss. He and my hon. Friend the Member for Blackpool, North and Fleetwood are doing a superb job as first-class MPs in speaking up for their constituents and the communities that they serve.

11.30 am

Sitting suspended.

Probation Service

2.30 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I am pleased to have secured this important debate and to know that it will be chaired by your good self, Mr. Cummings, in your usual able manner.

I pay sincere tribute to all the men and women who work as probation officers. I say that with some experience. In my former calling as a criminal lawyer, I often found that their intervention could be crucial in turning people round and redirecting them away from an inexorable life as professional criminals. It is not an exaggeration to say that many thousands of young people owe a lot to the probation services for the advice and guidance that they have received. I saw at first hand young people who were heading the wrong way and going down the slippery slope to a life of crime. They were expertly diverted by probation officers, who often went the extra mile and put in huge effort for that purpose. Those people who were going the wrong way are now holding down good jobs, are responsible parents—grandparents even—and have a valuable input into various communities in my constituency. In other words, probation works.

We know that the rate of reoffending post a community penalty is considerably less than post release from prison. Probation not only works, but is cost-effective for obvious reasons. It saves the cost both of prosecuting individuals and recommitting them to prison and of the actual offence to society. So, the good sense of committing extra resources to community penalties that are properly supervised by qualified probation officers is clear for all to see.

David Taylor (North-West Leicestershire) (Lab/Co-op): I agree with the hon. Gentleman. For the £900 million it costs the UK taxpayer, probation is exceedingly good value. When I put the question about budgets to the Secretary of State on the day before the summer recess, he told me that budgets had grown by 70 per cent. since 1997 but that there were still some cuts pending. Does the hon. Gentleman welcome the fact that only last Thursday there was an announcement that those cuts have been scaled back, and does he expect the Minister to give us a bit more detail as to where the cuts will fall, because that is really important?

Mr. Llwyd: The hon. Gentleman is absolutely right, and I know that he, like me, takes a great interest in this field. We welcome the partial reversal of the cuts, but I believe that the cuts will still amount to about £24 million. No doubt the Minister will explain further in due course, but I hear what the hon. Gentleman says and he is quite right to raise it at this point.

As a last resort before imprisonment, community penalties work. However, what we have found is that the probation service has seen its work load soar over the past few years. For example, in the South Wales Probation Trust area, the number of community service orders rose from 2,760 in 2006-07 to 3,163 in 2008-09, which is an increase of 14 per cent. However, breaches of community penalties in the same period rose by an incredible 73 per cent., from 2,002 individuals to 3,816. In the case of breaches—where a person fails to carry out court-ordered work—the individuals will be warned, and if they are

unable to provide a cogent reason or excuse, they may find themselves summoned before a magistrate or judge who will often resentence them for the original or specimen offence and send them to prison.

Mike Dunne, secretary of the Gwent and Glamorgan branch of the National Association of Probation Officers said:

"The planned cuts by the Ministry of Justice will have a significant impact on the ability of the probation service in Wales to work effectively. Napo has been campaigning vigorously to fight these cuts and we have clearly made an impact, as the Minister of Justice announced a reduction in the cut to the overall budget for the Probation Service to £24 m down from a cut of £50 m. We welcome this change, but the proposed cut is still a significant reduction on an already overstretched and overworked workforce."

The consequences of a reliance on an over-stretched work force are plain for all to see. Monday's report by the chief inspector of probation found very serious failings in the supervision of potentially dangerous criminals. In almost half of the cases that he saw, probation staff fell short of the standard required, which, according to his report, was to ensure that the public in London were protected from criminals with the potential to harm them. The chief inspector found that only 54 per cent. of public protection work reached the required level, which is nine points lower than the score awarded 12 months ago.

The Minister of State, Ministry of Justice (Maria Eagle): The inspector's report was in respect of London probation, which is just one of the 42 areas. Obviously, I can deal with that point in my own remarks, but I just wanted to emphasise that that was not a report on the entire probation service.

Mr. Llwyd: The Minister is right, and I did say that it was London; I was not pretending otherwise. It was in London that the Dano Sonnex matter happened because of lack of supervision. Probation officers did not have the time to devote to that very important work of public protection. Clearly, there have been shortcomings, and I argue that it is to do with work load more than anything else.

Maria Eagle: I just want to clarify the findings of the inquiries following the terrible case of Sonnex. Management failings and an inappropriate allocation of resources in the London probation area led to that case, which is well documented in the reviews that took place and were published after the case came to light.

Mr. Llwyd: The Minister is absolutely right, but I, too, am correct in saying that the individual concerned was overworked and could not possibly do the work that she was assigned to do. Therefore, I was right from the beginning. With regard to the findings, I agree with the Minister that they provide a snapshot of London, but I will come to other parts of the United Kingdom later in my remarks.

NAPO has discovered that it is not uncommon for staff who are supervising low-risk offenders to have case loads in excess of 100. Those involved in supervising medium and high-risk offenders have case loads in excess of 60. A rough figure for a norm should be 25 to 30. Therefore, it is not rocket science to deduce that staff are under huge strain, and that affects their health, the service and so on. The problem is not about their ability or commitment; it is simply that there are insufficient people on the ground to do the work.

The gloomy and rather dangerous situation is likely to worsen as a result of the proposed cuts in budget announced for 2010-11. The probation service faces a cut of 4 per cent. in real terms in 2010-11. Further cuts of at least a similar amount will occur in 2011-12. Such cuts are bound to lead to the loss of posts and curtailment and reduction in the number of offender programmes that the probation service provides. The probation budget will be cut by £24 million in the financial year 2010-11 from an out-turn in the previous financial year of £894 million. However, that is an improvement on the indicative budget, which we heard about in October 2008, with an anticipated cut of £50 million. Therefore, we are grateful for the reduction in the cut, but it is still very serious. NAPO calculates that at least 1,000 people will lose their jobs over the next two years, half of whom will be front-line staff. Currently, there are just over 6,200 qualified probation officers in England and Wales. It is highly likely that the staff lost through natural wastage or voluntary redundancy will be the most experienced. When it happens, that scenario will place untold strain on the service, with potentially serious consequences. It is obvious that we are on the brink of a precipice.

Some time ago, on 12 October 2009, the hon. and learned Member for Harborough (Mr. Garnier) tabled a question to the Minister that read:

"To ask the Secretary of State for Justice what estimate he has made of the proportion of probation officer time spent on front line work with offenders in each year since 1997."

The Minister responded:

"This information is not held centrally by the National Offender Management Service, nor is it held at probation area or trust level."—[*Official Report*, 12 October 2009; Vol. 121, c. 153W.]

Imagine our surprise, then, to find the information in a document that was to hand in December 2008. I understand how such things work; I understand that the Minister signs off parliamentary questions. However, I am afraid that it is an untruth. We can dress it up however we like, but a question was posed in October 2009 about whether the information was available, and the answer—a belt-and-braces answer—was "No, it's not." But here it is, available from nine months before, in December the previous year. It is all there to be read.

Maria Eagle: I do not like the use of the word "untruth", and I refute it. The document to which the hon. Gentleman refers was a one-off exercise. It was basically a ring-round to some probation areas to get a snapshot—not statistics that would stand up to any rigorous process of the kind that we expect in our parliamentary answers. Although I accept that there was some information, it was a snapshot. It was certainly not a statistical estimate. On that basis, I refute the idea that I have been telling untruths to Parliament.

John Cummings (in the Chair): I think that perhaps the hon. Gentleman might wish to withdraw the word "untruth".

Mr. Llwyd: Well, maybe the Minister unintentionally misled Parliament, if I can put it that way—I think that that is acceptable. But whether or not it is a snapshot, it

[Mr. Llwyd]

is quite a bulky document, at 30 pages in length. She could at least have said, "Yes, some work is being done," and referred the hon. and learned Member for Harborough to the work of this particular delivery plan. Unfortunately, it has come out purely by accident. The existence of the document has only recently been made public. I leave it there. I certainly do not impute any unfair motives to the Minister, but somebody somewhere needs to explain what is going on. I do not lay any blame on her; I appreciate how such things work.

The document to which I refer has just been handed down. It shows that the information, albeit a snapshot, is available. The document, entitled "Offender Management Direct Contact Survey of Probation Boards and Probation Trusts", shows that 24 per cent. of time is spent engaged in direct contact with offenders, either face to face or by telephone, 41 per cent. of time is spent engaged in computer activity, whatever that means—

Maria Eagle: To illuminate slightly for the hon. Gentleman, some of the computer activity referred to includes completing OASys risk assessments of particular individuals. I would call that front-line work.

Mr. Llwyd: I am sure that is right, and I am glad that the Minister intervened. Some 35 per cent. of time was spent on non-computer activity, such as drafting correspondence and reports, administration and travel. The percentage of time spent with offenders falls to 18 per cent. in north Wales and an incredibly low 13 per cent. in west Mercia. A probation officer who was interviewed said:

> "We should spend more time with offenders. I have been told to spend about 15 minutes with tier 2 and no more than 30 minutes with tier 3/4. The impression I have is for every 15 minutes I spend engaged in face to face contact with offenders, I spend another 15 to 30 minutes recording it".

It is the old problem of "statistics, statistics".

NAPO, not surprisingly, believes that it is an extraordinary state of affairs. Information from its members over the past 12 months shows that no more than 15 minutes a week is spent on low-risk offenders, rising to at most 30 minutes with high-risk offenders. In NAPO's view, that is woefully insufficient for the amount of supervision required.

The situation is even more serious. Over the past few years, the number of sex offenders housed in hostels has risen sharply. The hostels hold 2,500 offenders, predominantly on parole, and half are now sex offenders. The premises are now taking significant numbers of released terrorists, yet staff ratios have been reduced at night and those working in hostels are less well trained, increasing the risk of public protection compromises.

The Prison Governors Association has called for the abolition of sentences of one year or less. Last year, 75,000 people received such sentences. If such a measure were passed, it would ease prison overcrowding by reducing the daily prison population by at least 5,000. However, the probation service could not take them, as it is over capacity, and the vast majority of such offenders are unemployed and would be unable to pay fines. Indeed, early evidence suggests that the amount of fines collected has fallen. It is no doubt linked to offenders' ability to pay and a reduction in the number of enforcement officials. That analysis illustrates that the criminal justice system is beyond capacity.

The Government say that the probation service received an uplift of more than 70 per cent. between 1997 and 2006. However, there is no evidence of any increase in the number of trained probation officers. Indeed, since 2007, numbers have been in decline. What happened over that period was a two-thirds increase in the number of middle and senior managers. The truth is that we require more and more from an already overworked probation service for less.

The story on recruitment is also depressing. According to NAPO, it costs about £93,000 to train a probation officer for three years. The Government may argue that it costs £74,000, but both figures are high. It is therefore a waste of public funds to train someone without viable employment at the end of that training period. According to the most recent figures, announced last week, 459 trainees are expected to qualify this year. Of those, 59 have already left, 44 will be made redundant, 129 will be given temporary jobs until March and 27 do not yet know their future.

Mr. Roger Williams (Brecon and Radnorshire) (LD): That is certainly reflected in the Dyfed-Powys probation service, where seven or eight trainees were trained at great expense and only one was given full-time employment at the end of it. Several were given temporary employment until next March. That is surely a waste of resources that could have been put back into employing trained probation officers who could have coped with the case load a lot better.

Mr. Llwyd: The hon. Gentleman is absolutely right. He has hit the nail on the head. More to the point, as he knows, courts are being encouraged to consider properly structured and supervised community penalties, but there are fewer people to supervise them.

Maria Eagle: The hon. Gentleman is being very generous in giving way. The figures he quoted are from before the budget allocations. One would hope that they will improve significantly. The money in the budget additional to what the probation service expected is enough to employ 625 probation officers.

Mr. Llwyd: I hope that the Minister is right, but I have no confidence that the money will end up in the right place. The National Offender Management Service is a huge monstrosity and every right-thinking person thought that it was a waste of time. That huge empire is billowing out and spreading its tentacles all over the place. It was a waste of money from day one and is bound to fail. I suspect it will be reviewed yet again before long.

David Taylor: I secured an early debate on the Carter proposals that led to the creation of NOMS. As the hon. Gentleman said, the cost is one of the worst aspects of this issue. The training costs and two years' salary aggregate to a cost of about £100,000 for each trainee probation officer who is lost. That is serious money that could be better deployed to drive down crime in this country.

Mr. Llwyd: The hon. Gentleman is right. I am not often accused of understating a case, but perhaps I understated the financial case by saying that training costs £74,000 or £93,000. Perhaps the cost is more than £100,000. That is undoubtedly a significant figure.

More than half of this year's trainees will be redundant and have no secure future beyond 2010. That is the pre-budget situation and we will see what happens. According to a parliamentary question in May 2009, seven trainee probation officers in Dyfed-Powys are expected to qualify this year, nine in Gwent, seven in North Wales and 21 in South Wales. Earlier this year, estimates suggested that the seven officers in Dyfed-Powys had been told that there were no vacancies and that any that appeared would be subject to competition. Eight were in the same situation in North Wales, eight in Gwent and 18 in South Wales. We must hope that the partial reversal in the cuts will assist that situation. Even if it does, we are in deep trouble. If the aim is to ensure that we have properly supervised community penalties, we should not be maintaining the status quo, but increasing resources.

After I raised concerns over this issue in Parliament earlier this year, I was contacted by several trainees who were bitterly disappointed that, having gone through rigorous training, they would not be offered employment. When Gwenno Jones wrote to me, I wrote to the Justice Secretary to raise the complaint. On 5 September 2009, I received a response from Lord Bach, the Under-Secretary of State for Justice, on behalf of the Justice Secretary. He thanked me for the letter and wrote:

"I understand your concerns about the employment prospects for Trainee Probation Officers. Those due to graduate in October 2009 were selected on the basis of workforce planning estimates made by local probation employers in early 2007. This has proved to be too long an interval for an accurate prediction of the current employment situation. This issue will be addressed when the new, more flexible, modular Probation Qualification Framework replaces the Diploma in Probation Studies programme next year.

The current Trainee Probation Officers were recruited on the basis of a fixed term two year training contract without any guarantee of permanent contracts. In previous years the vast majority of graduates were offered jobs and it is unfortunate that, in common with graduates of all disciplines this year, the TPOs face a challenging employment market.

The employment situation is being monitored closely and the monthly returns show a steady increase in the number of jobs being offered as a clearing house system takes effect."

The letter closed with the usual infamous local democracy clause:

"Decisions about probation staffing levels rests ultimately with the 42 areas and trusts who employ probation staff"—

as if they could employ staff with insufficient resources.

The Minister said that I had confined myself to the situation in London so I will move on to other areas. In Avon and Somerset, 16 trainee probation officers will not be offered jobs, eight will not be offered jobs in Dorset, nine in Lancashire, nine in Lincolnshire, nine in North Yorkshire, 18 in South Wales and 28 in the West Midlands. In Cumbria, 10 trainees will compete for two posts. In Durham, 10 trainees will not be offered posts after March 2010. In Gloucestershire, 10 trainee probation officers who are qualifying in the autumn have been offered temporary 12-month contracts only.

For the sake of the probation service and society, I hope that the Minister was right that things will change because of the change in the budgetary scenario. Whether it costs £93,000 or £100,000, training probation officers and not offering them employment when their services are desperately needed is the economics of the madhouse. In total, it is estimated that £20 million is wasted. At the same time, there have been huge overspends on large centralised projects. The National Offender Management Service headquarters has cost more than £1 billion.

Maria Eagle: NOMS HQ includes the shared services for all our prisons and special services such as tornado units, which deal with trouble and problems in our prisons. It does not just contain secretaries and staff for the senior people in NOMS. I hope that the hon. Gentleman will bear that in mind when he quotes the figures.

Mr. Llwyd: Did I say that it was just for senior staff?

Maria Eagle: I was just clarifying.

Mr. Llwyd: The Minister is very tetchy today. I have never been intervened on so many times by a Minister. Perhaps it is a compliment. She is obviously on the back foot, otherwise she would not be jumping up and down. She must be very fit because she has been jumping up and down at an alarming speed.

Perhaps I can put it like this: NOMS contains departments that might not be part of the probation service. The NOMS bureaucracy spend increased by £140 million between 2006 and 2009. It is interesting to compare that with the probation budget, which rose by only £29 million in that time. The Public Accounts Committee is taking an interest in the infamous C-NOMIS project, which is three years late and has reached twice its original budget. Had it been in use, it would probably have prevented the Sonnex murders.

Sadly, the overall picture being painted of the Ministry of Justice includes the wasting of resources and an unrealistic expectation of the work load that a probation officer can complete. I hope that the Minister will show some good faith and at the least ensure that the 450 recently qualified trainees will be offered posts. It is typical of this Government to try to run everything on the cheap and to squeeze more out of an orange than is possible. The criminal justice system is not far from collapse. I know that as a barrister who appears in court and am not just making it up. The price of failure is complete anarchy. I urge the Government to reconsider the settlement and to ensure that the highly-trained and motivated youngsters we are discussing can go into the work for which they are well qualified. Society would benefit as a result.

2.59 pm

Mr. Neil Gerrard (Walthamstow) (Lab): This is a useful debate, given the concerns that have been expressed about probation over the past few weeks. No doubt the Minister will refer to the big increases in the probation budget in the past 10 years, and rightly so. There was a 70 per cent. increase in the budget from 1997 to 2007. That is not something that happens by chance. Budget increases of that size happen because Governments decide to put the money in. It is important that we give credit for what has been done on the budget. In addition, there is no doubt that the service's performance, in

[Mr. Neil Gerrard]

relation to meeting targets, has been improving, and that it is now doing extremely well. In 2008-09, only one of its service targets was not met, and that was one of a long list of targets.

However, as I am sure the Minister knows, and as the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) has just described, there are concerns, particularly within the probation service, about what has been happening with budgets and what is going to happen in the next year or two. The Minister went to the National Association of Probation Officers conference in Torquay—I was there the following day—and she will have heard, as I did, some of the concerns expressed by serving probation officers.

As I say, the service is doing a good job, and it is important to recognise that, because it gets a bad press. It is inevitable that the press will report cases where something has gone wrong, and that there will not be many press reports describing a case that the probation service has handled well—a case where somebody has been supervised and kept out of trouble. We will inevitably get reports of the cases that go wrong or, to take the example of the Sonnex case, very badly wrong.

Of course, we do not want cases to go wrong, but the probation service sometimes deals with some extremely difficult and dangerous people. I would not like to be in the position of some probation officers, who have to make decisions about how dangerous people should be supervised, the risk that they pose and what should be done with them. Some hon. Members might have seen an article in *The Guardian* last month—I think it was dated 6 October—where a reporter was given access to a number of meetings, involving probation and prison staff, at which they discussed how to handle people who were about to be released from custody. There are some very difficult and dangerous people to be dealt with and, as I say, I am not sure that I would like to have that responsibility, with the tabloid press breathing down my neck and waiting to see whether I make a mistake.

If we consider the core tasks of the probation service and what has happened in the past few years, it is obvious that there has been a big increase in work load. From 2005 to 2007, court reports increased by more than 20,000. Between 1997 and 2007 there was a 36 per cent. increase in the number of cases of supervision in the community. Now, there are well over 200,000 community orders and parole cases being dealt with—there are 240,000—and significant numbers of those people have to be taken back to court or returned to prison because of breaches.

There has been a significant increase in the number of recalls to prison, which, again, indicates the work being done by the probation service to track what is happening to the people they are supervising. There are 2,500 people in hostels, half of whom are sex offenders. Practically all the people in hostels who are supervised by the probation service pose some real risk, and need experienced supervision.

Probation is not an easy service to work in, or an easy job to do. Over the past 10 years, there has been a big increase in resources, but there has also been a big increase in work load—I do not think that there is any question about that. It depends on exactly which figures we look at, but I get the impression from some of the available statistics that the increase in work load has outstripped the increase in resources.

A report produced last year, which I know some hon. Members will have seen, by the Centre for Crime and Justice Studies at King's college examined what has happened to probation staffing and work load over the past few years. It found that between the creation of the national probation service in 2001 and 2006-07, the budget had increased in real terms by 21 per cent., which is a significant increase, and that the number of staff had increased by 37 per cent. However, in that same period, the number of fully professionally qualified probation officers had fallen. So although there have been big increases in the number of less qualified staff—probation service officers—and in managerial staff, the overall increase in staff numbers actually masks a significant change in the composition of the work force.

During that period, the ratio of offenders to fully qualified probation officers therefore rose from 31:1 to 40:1. We would not see the shift in that ratio if we simply considered total staff numbers, but as far as fully qualified professional staff are concerned, there has been a significant increase in that ratio. I notice that a parliamentary question on the ratio of probation officers to offenders was answered just last month. It was interesting to note the variation from one area to another that was revealed by the answer. For example, in Rutland, Leicestershire, the ratio of offenders to probation officers is 10.5:1, which is the lowest in the country. By the way, that figure relates to all probation staff, not just the fully qualified. The ratio is 10.6:1 in Norfolk, 22:1 in London, 20.4:1 in Greater Manchester and 21.4:1 in Devon and Cornwall, so the issue does not just affect big city areas. There is significant regional variation in those ratios, and that must impact on the work loads in those different areas.

In conversations that I have had in the past few months, particularly with probation officers, it has come through regularly that people feel that their work load is too heavy, and that there are too many relatively inexperienced staff who have to deal with complex and difficult cases. As has been mentioned, from what I know of the Sonnex case, the person who was given the responsibility of dealing with Sonnex was relatively inexperienced and was not given sufficient support and supervision. As the Minister said, there were clearly management failings, but that was the situation in which that probation officer had been left, and it was an extremely difficult position to be in. Probation officers keep telling me that such a scenario is not uncommon, and that too many people are in that situation.

There are also concerns about the IT systems; for example, the offender assessment system has been mentioned. Of course, an important part of the work is ensuring that there are appropriate reports and records, but probation officers say that it takes a long time to do a report for a single individual using OASys. They would like it to be streamlined, so that for each case, they can spend less time filling in the necessary data to produce a report through OASys.

For many probation staff, the worst thing is the worry about budget cuts. Last week, the Secretary of State announced that the budget for next year will show a smaller reduction than the indicative budget did, so I hope that some of the cuts that we were told about will

not happen. In the summer, staff from all over the country came to see us in Westminster, and the Minister came along to one of our sessions. From one region after another, we had reports of cuts, staff going and trainees not being offered jobs, and I hope that some of that will be dealt with by the change to the budget. People have been left feeling very uncertain about their futures—about whether there will be redundancies and about whether trainees will have a job at the end of their training—and it is demoralising for people in any job to feel that degree of uncertainty.

The relationship between the work load and the budget is quite difficult, because although funding for the probation service comes via NOMS, and there are service-level agreements with the different probation areas, the size and nature of the work load is determined not by NOMS, but by the courts and the sentences that they give. It is difficult to strike a balance, which perhaps accounts for some of the regional variations that I mentioned. I appreciate that that causes difficulties, but if we look at where the service is now—at how it performs and at how the people who work in it feel—it is clear that it has been delivering, although it obviously needs adequate funding. More than anything, however, it needs stability, and the people who work in it need to have some confidence about their future. That is partly a matter of budgets, but it is not just about budgets.

Another issue is the introduction of the best-value framework. Some people are worried that best value will actually mean privatisation of some of the core work. We discussed that during the passage of the Offender Management Act 2007, and the Opposition Front Benchers' view was that it would be perfectly all right to privatise anything going. The Opposition argued that that should be done at local level, rather than regional or national level, but they had no problems with wholesale privatisation. In our discussions with the Secretary of State, we reached consensus on the point that we should not privatise core probation work. However, the announcements that have been made about best value in the past few months have made staff quite worried that there will be some backtracking, and that "best value" might turn out to mean privatisation by the back door.

We know that there are people around who would be quite happy to jump in, and I have real concerns about some of those who are starting to say that they want to be involved in running prisons. Some charities say that they want to do so, but that should not be part of their business. Charities do really good work in the criminal justice system by providing specialised services, such as treatment for drug and alcohol problems, and that is a perfectly reasonable function for them, but I do not want to see them delivering core services. That is a concern, and I hope that the Minister can give us some reassurance, when she replies, on how best value will operate. People are worried about their jobs and scared about what is happening to budgets, and adding the fear that privatisation is high on the agenda will make things worse.

I know of people who worked as probation officers, but who left the service because they were unhappy about the direction in which they perceived it to be going and were worried about what their future would be if they stayed in the service. We really cannot afford to lose experienced and skilled people from the service, and some stability and certainty on budgets and job prospects would go a long way towards starting to persuade people that there really is a future for the service in which they have been working.

3.14 pm

John McDonnell (Hayes and Harlington) (Lab): I want briefly to take up where my hon. Friend the Member for Walthamstow (Mr. Gerrard) left off. I am secretary of the justice unions parliamentary group, to which most Members present belong.

The issues before us have been raised constantly in debates over the past decade or so, but I want to start by reassuring the Minister of the commitment of those working in the service to the implementation of the original principles of NOMS, which were welcomed. The objective was a seamless service, in which fully resourced professionals with sufficient IT back-up could deal with an offender through every stage—pre-sentence, sentencing, imprisonment or community service, probation and rehabilitation back into society. That was the model to which everyone right across the service signed up.

From the beginning, however, we expressed concerns about a number of issues. The first was the lack of consultation about the involvement of the probation service in the development of NOMS. At the time, people thought that we were crying wolf, but the Select Committee on Justice report on the role of the prison officer, which has been published in the past week, makes an interesting point relating to NOMS. It quotes a probation officer, Cordell Pillay of NAPO, who reiterated a point that we have made in previous debates—that many people endorsed the idea of creating NOMS, but were critical of the practice. In one of his key criticisms, he said:

> "From the outset there was not a clear structure or framework for NOMS, so there is no clarity from the probation perspective and no clarity from the prison perspective…There was no serious planning in relation to it. There was no real consultation."

That was one of the issues that we raised from the beginning. Interestingly, the Justice Committee concluded:

> "We have seen no evidence that the creation of the National Offender Management Service has achieved the seamless end-to-end management of prisoners that was intended."

That reflects the views of those serving on the front line in the probation service, and we need to address that.

Another issue that we raised early on related to information technology and computer systems, which colleagues have mentioned. In the past week, the Public Accounts Committee has published its report on C-NOMIS—the national offender management information service—which completely endorses the criticisms that we have been raising since the early stages. The fact that the costs escalated from £234 million to £513 million under NOMIS, with delivery planned for 2011, confirms some of the early criticisms that we made. We heard from the unions about their concerns about the lack of involvement and consultation, the lack of proper management of the project and the lack of practical engagement with the staff who would eventually have to implement the system. It is not just a matter of "I told you so"; I mention all the critiques levelled by front-line staff because they have proved remarkably accurate.

[John McDonnell]

Another issue that was raised—it has been raised again today—is the disparity between the Government's figures for the amount that has been invested in the service—the 70 per cent. increase—which we all welcome, and the amount that seems to have been translated into implementation by front-line staff. My hon. Friend mentioned the figures for staff recruitment. Although the argument is that there was a 53 per cent. increase in work load between 1997 and 2007 and a 70 per cent. increase in the budget, the information we have received from the front line, as my hon. Friend said, is that the investment has not produced the fully qualified and experienced staff that the service needs at the very front edge. Again, we need a detailed examination of where the resources have gone.

My colleague, the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), argued that elements of levels and tiers of bureaucracy have been introduced in the service. We have raised such issues before, and sometimes they have been addressed. In the last round of budget reductions or re-examinations in the London service, certainly, a large number in the middle-management tier was taken out, and more money was applied to the front line.

That raises another issue. Apart from the fact that money did not seem to reach the front line in a form that effectively met casework needs, there has been turbulence in budget planning. Speaking as a London Member of Parliament, there was a period when we were having annual meetings with the Minister to resolve the London budget. We were seeing the prospect of trainees not being employed—before other areas, I believe. Only as a result of ministerial intervention on a number of occasions were we able to retreat from the inadequate proposed budget; we then arrived at a situation in which we were not involved with cuts on a scale that we felt would directly impact on service delivery.

The same happened nationally this year. We had discussions about the prospect of a £50 million cut—the Minister attended—and then consulted our NAPO members from the probation service. As my hon. Friend the Member for Walthamstow said, we received representations from area after area about the implications, which demoralised staff, who faced the prospect of trainees not being recruited and the potential that their jobs would be cut. Then, a week ago, it was no longer a £50 million reduction but a £24 million reduction. We are grateful that it is not £50 million, but that demonstrates a lack of consistent planning in budgets and introduces a turbulence in the system that undermines the effectiveness of the staff, and certainly their morale, in a number of areas of delivery.

What is needed now is a short, sharp exercise of standing back to see where we are in relation to the probation service and its budgets and their implementation vis-à-vis investment in front-line staff, and where we are going in terms of support services, in particular information technology. The Government need to get across to staff working in the field that a clear and consistent vision is being introduced in the coming period, that there will be stability and that they will have an important role not just in providing the service but in designing it as well—that they will be listened to. A consistent theme of the representations we received earlier this year, and of more recent statements from NAPO, supported by the other justice unions, is that they do not feel fully listened to in the development of policy and its implementation.

I make this offer on behalf of the justice unions cross-party group: we are happy to organise for the Minister another one of our seminars, in which we stand back and look at where we are. We could invite more front-line representatives to discuss how our budget is translated into real investment in front-line delivery, not just in the coming year but over the forthcoming years as well, how we look at the tiers of management or bureaucracy and whether there is a need for rebalancing from those tiers towards the front line. We could also look at the long-term future in terms of investment in the IT systems that are needed. That might give us an opportunity of restoring confidence, among probation officers in particular, that the Government have a sense of direction, are listening and want to involve the staff we expect to deliver on the front line.

My hon. Friend mentioned some of the hard cases that have to be dealt with. We put a burden on such staff, not setting them up to fail, but placing on them some of the hardest burdens of the justice system. At the same time they are vulnerable to criticism in a way that many other professionals may not be, because they are at the sharp end. It behoves us therefore to engage them in a process where we listen to them, so that we can implement the policies at least in the full knowledge of what they are experiencing at the front line.

3.24 pm

Paul Holmes (Chesterfield) (LD): I congratulate the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd)—my apologies if I have mangled the Welsh language—on securing the debate and on having outlined, as did the other speakers, the values of the probation service and the problems that it faces. Those problems are twofold: the cuts in funding of 2.68 per cent. and the increase in case load at the same time. In Derbyshire, for example, the two-year trainees who are approaching the end of their training are effectively being told that there are no jobs for them to move on to. Out of the existing 400 staff, Derbyshire has to lose 30 by March, as well as not being able to take on the trainees who have completed their work.

As we have already heard, the Minister will say that there has been a 70 per cent. real-terms increase in probation funding between 1997 and 2007. That is true enough, but there are two points, which we have already heard discussed. First, we are talking about cuts now, not increases in spending in years gone by. Secondly, when the increases took place after 1997, at the same time there were real increases in case load; the bare case load went up from 159,200 in 1997 to 243,400 in 2007-08. Yes, there were real-terms increases in funding, but there were also real increases in case load, partly because the prison population is up by more than 60 per cent. since 1997—we now lock up more people per head of population than any other country in Europe. That has a concomitant effect on the work of the probation service, with people coming out of prison as well as others being given non-custodial sentences in an attempt to keep them out of our already chock-a-block and overcrowded prisons.

We are, therefore, demanding more of the probation service, not just in basic case load but in terms of the quality of what we now expect it to do with people—the work on monitoring, rehabilitation and community punishment orders that we expect it to deliver. As we have heard a number of people say, probation actually works. We are not defending the existing system just because it exists, but because it works. There are hard statistics to prove that it works.

On 19 August this summer when, according to the press, all MPs were lazing around on a warm beach at exotic locations around the world, I spent the day with the probation service in Derbyshire. I hope that I will be forgiven if a number of my examples are parochial to Derbyshire, but they illustrate the national picture and fit in with the examples that we heard from previous speakers. During that day, which was very full and intense, I spent time with managers, front-line probation officers, victim support staff, community payback staff, education and training and employment staff, the drug and alcohol team, and the accredited programme staff, who deliver behavioural management courses and so forth. It was the works—an incredibly intense day.

One overwhelming message came out of meeting all those people that day. Not once in the entire day did any of the members of staff that I met complain about pay or the usual things that we tend to hear about, rather they emphasised—it shone through in what they were doing—their immense pride in what they were doing. They believed implicitly in the value of their work in benefiting the community and turning people's lives around. They were imbued with a public service ethos, which some journalists and politicians find hard to understand when they see the world only in the light of people being incentivised to do anything if they are in a bonus culture and receive bonus payments.

When I was a teacher, the Government of the day tried to introduce bonuses into teaching—the only way that teaching could be improved was to start offering teachers bonuses and incentives, totally ignoring why so many people had entered a public service profession in the first place. Those probation staff whom I met, across the board reminded me of that over and over again. They were so full of passion for and pride in what they were doing, but frustrated with what they saw was stopping them from doing the job as effectively as they might.

What specific examples did they raise? One that we looked at was the intensive alternatives to custody programme that has been run in Derbyshire. Derbyshire was the first of six pilots to introduce the programme as an experiment. It involves 100 hours of intervention with an offender each week, which is a lot of time to spend with one person; it covers curfew, supervision, education, mentoring, unpaid work and a range of other things appropriate to that individual. It is intensive and involves a lot of staff work, but it is very effective in reducing reoffending.

The pilot seems to reduce reoffending, but what is the cost of such staff-intensive work? I asked that question of the Derbyshire probation service, but it did not know the answer at the time. It did some calculations later, and sent me a letter showing the detailed costings. On a like-for-like basis, a 12-month programme for one offender on the intensive alternatives to custody programme would work out at £4,575 a year. The programme is more effective in rehabilitating offenders and stopping reoffending than a prison sentence.

What is the alternative? Derbyshire probation service worked out that a full year's custodial sentence would be equivalent to £28,000 a year, yet a prison sentence would be less effective in preventing reoffending and delivering rehabilitation. Those figures were produced by the probation service. The Prison Reform Trust estimates that a year's custodial sentence can typically cost as much as £39,000, which would be an even starker contrast. However, even the Derbyshire figures show a huge difference in the ratio between the cost of prison and that of intensive intervention; and it can prevent a person from reoffending, get them back into work or education, into housing and whatever else is appropriate, including behaviour management, so that they do not reoffend and cause yet more misery in the community.

On cost grounds alone, it seems madness to endanger such an experiment in favour of the more expensive and less effective custodial sentence. That was the view of the front-line staff at Derbyshire probation service. It has long been the Liberal Democrats' view that prison policy should be based on evidence of what works effectively. That is also the view of that well-known left-winger, the former leader of the Conservative party, the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), who on 2 November published a report saying that prison sentences of less than two years should be scrapped entirely. He went on to explain that if the money was made available, the alternatives would be far more cost-effective and more effective in preventing reoffending.

Other examples considered on our day with Derbyshire probation service included the multi-agency public protection arrangements to which Members from other parts of the country have referred. Derbyshire is currently working with 700 sex offenders who were released from prison once their sentences had been completed and with more than 200 violent offenders. The programme started in 2001, and its record of nearly eight years shows that a low percentage of offenders absconds and a low percentage reoffends. They are dangerous people and a threat to the community. They may have come out of prison but they are still a danger; nevertheless, the programme has a high success rate with them. Not only is it cost-effective, but it prevents misery for the community by reducing later reoffending.

Community payback, which is now called community punishment, is another non-custodial sentence. I have visited three schemes in and around Chesterfield and seen offenders working in the community. On my latest visit, I spent time in the office talking to the staff who run the scheme. They deal mainly with young people, the unemployed and drug users, although when visiting them on site I have seen people in their 50s and people in employment.

One virtue of community punishment is that it is a step before custody. An offender in work who is given a short jail sentence, which is ineffective in any case, would lose their job and therefore be more likely to reoffend when released. By going through that scheme, such people can keep their jobs and still pay their debt to the community. It is done in a most constructive way, and many in the community really value the work that they do in and around north Derbyshire. It is useful as a

[Paul Holmes]

way of paying back society, it is useful for justice, and it works for the individual. We should not say that it is perfect; no scheme is. One of the staff told me that he had been working there for 20 years and had seen one man come back eight times, so it clearly does not work for some. What we should do with those constant petty reoffenders is another matter.

I have spent time with all sorts of other groups—the drug interventions programme, the prolific and other priority offender programme, the behaviour management programme, Victim Support, the domestic abuse programme and the offenders into employment programme. The latter was proud of the fact that it had got 378 offenders into employment during the last year. People who have employment on coming out of jail on completion of their sentence are far less likely to reoffend; all the statistics show that. Those programmes work. They all make vital interventions; they all improve quality of life for the community; they all cut reoffending rates; and they do it far more effectively and at a better cost than prison does.

The Derbyshire probation staff know that what they do is effective, a fact that is echoed in other national examples. However, they complain about the self-defeating cuts that they face in funding and staffing, as they will inevitably lead to more reoffending and more problems for the community. This is most certainly one area of public spending that it would be self-defeating and foolish to cut in the years to come.

3.35 pm

Alan Duncan (Rutland and Melton) (Con): I start by thanking the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) for launching this debate. We are all grateful to him for doing so. This is my first formal encounter with the Minister since I became shadow Prisons Minister. I look forward to many more.

Maria Eagle: Many, many more.

Alan Duncan: Many, many more, perhaps from the other side of the House in due course.

For the last 102 years, the probation service has worked tirelessly to protect the public and rehabilitate offenders through its effective supervision of those offenders out in the community. It is and always has been a vital part of the criminal justice system. Great credit must go to all those who work so hard in what is often a difficult job, especially as so many of their efforts and achievements are left unsung.

There is no doubt that a service that supervises more than 175,000 new offenders every year, that supervises approximately 200,000 offenders on community sentences each year, that supervises a further 50,000 offenders on licence each year, that provides over 246,000 pre-sentence reports and 20,000 bail information reports, and that supervises more than 8 million hours of unpaid work in local communities is indispensable, worthy of respect, and requires careful management, motivation and intelligent, strategic leadership.

This is a seriously important service, but it is fair to say that it is seriously overstretched. I shall consider what it is achieving. Most crucially, we must look first at reoffending rates. Above all else, the protection of the public and the reduction of reoffending must be the goal of the probation service. There is no doubt that it faces new and more difficult challenges than it did 10 years ago. For instance, violent crime has doubled and drug offences have increased dramatically; those are but two of the serious ones. The probation service cannot supervise offenders minute by minute, every day and night, or guarantee that offenders under their supervision will not reoffend.

With the current reoffending rate at 36 per cent. within one year for community sentences, and at 47 per cent. within one year of release from prison, we are clearly not doing well enough. The latest annual MAPPA figures published this month show an increase in the number of serious further offences committed by the most dangerous offenders—admittedly from a low percentage; but only one is still a serious problem. There has been an increase also in the number of level 2 offenders returned to prison for breach of their licence.

The Government continue to say nothing about level 1 offenders, who make up over two thirds of those covered by MAPPA. They may be the least dangerous, but we are told nothing about them and have reason to believe that they are responsible for more reoffences than other levels of offender.

In taking probation performance as a whole and considering where we might improve it, the hon. Gentleman focused to some extent on funding. Given the current economic climate, that is no small issue. At a time of economic recession, we need to ensure value for money. No public service will be immune from economies, and funding problems will inevitably raise difficult questions. However, value for money and savings in the long-term cannot be bought at the expense of public safety or by putting justice or the running of an effective probation service at risk.

Ministers have claimed that there has been a 70 per cent. increase in probation funding in the past seven or eight years, but the vast majority of that increase has not reached the front line. That seems to have been a common theme in a number of speeches this afternoon, and no doubt the Minister will want to reply to that point. Despite what might have been overall increases in spending, front-line probation services have been struggling for the past 10 years. We would like some clarification from the Minister about this matter. Last week, the Government announced that they would cut the probation budget in 2010-11 by £26 million less than was originally intended. Still, however, savings of £20 million had to be found in 2009-10, and, as has been mentioned, another £24 million will have to be found in 2010-11, equating to £54 million over those two years. To make matters worse, the National Association of Probation Officers estimates that by 2011—so, over the same period—there will be a 6 per cent. rise on the 2008-09 probation numbers of 150,000 people being under supervision. The Minister is looking at me rather incredulously, so we look forward to hearing her reply.

No one doubts that savings will be necessary in coming years, but it is essential that they are made in the right places and that we understand that the service cannot function without front-line services that are adequately supported. The total case load of offenders being supervised by the probation service rose by 53 per cent. between the end of December 1997 and the end of

December 2008, from 159,200 to 243,400, but the number of qualified probation officers increased by only 15 per cent. to 7,120. However, research published by the Centre for Crime and Justice Studies in April 2008 showed that between 2002 and 2005 the number of managerial staff increased by 70 per cent.

The savings could begin with a slimming of what might be called Government waste. Can the Minister explain where the £54 million that was spent on consultants went and what they were employed for? Until their comments on funding last week in 2008-09, the Government spent £90,000 on training each new trainee probation officer, only to have to tell more than half the group that they will be redundant or will have no secure future beyond March 2010. Of course, we know the sad, sorry tale of the Government's IT project, C-NOMIS—the custody-national offender management information system.

In the past 10 years, the probation service has fallen victim to too many unintelligent reorganisations. The structure, organisation and management of probation services have changed substantially at least three times, but change is not necessarily the same as progress, and the wrong changes benefit no one. Following the latest reorganisation and the creation of the National Offender Management Service, we are left with a NOMS headquarters with only 113, or 3 per cent., of the 4,270 NOMS headquarters staff hailing from a probation, as opposed to a prison, background. I am advised that 98 of those 113 are on secondment rather than being in permanent positions. All that suggests that there is a virtual absence of probation personnel in senior positions in the NOMS hierarchy.

I am acutely aware of the Minister's sensitivity to suggestions that NOMS is an expensive leviathan, and I expect that the Government will argue that much of the budget is money that hitherto would have been included in the separate prisons and probation budgets. Even if one takes that into account, there is still a rather large hole—perhaps as much as £300 million—that one can only assume is accounted for by the massive failure in the IT systems that it has been designing. Also, it is estimated that the ratio of bureaucrats to front-line workers is about 1:3.

The hon. Member for Meirionnydd Nant Conwy mentioned a parliamentary question asked by my hon. and learned Friend the Member for Harborough (Mr. Garnier). The hon. Gentleman considered the reply to be rather inadequate because a survey from within the Department did exist at that time. The Minister has said that that document was quite a cursory snapshot, but there is a lot of serious information and strong opinion within it. The document shows that in some probation areas of England and Wales, officers spend as little as 13 per cent. of their time in direct contact with offenders, and the fact that many officers spend less than a quarter of their time doing face-to-face work comes through in the report quite a lot. It also found that officers in some parts of the country see those who are judged as being at low or medium risk of harming the public for as little as 15 minutes a week.

In that survey, there was a tone of anxiety, if not complaint, particularly about the amount of time that officers have to spend on paperwork. One was quoted as saying:

"The impression I have is that for every 15 minutes I spend engaged in face-to-face contact with offenders, I spend another 15 to 30 minutes recording it."

Will the Minister commit to offer to the House not only the full publication of that survey—with all the qualifications and, perhaps, inadequacies that she has mentioned—but a written response containing her assessment and explanation of what is important within it? The whole point of the probation service is that it should be looking people in the eye and trying to help them.

Furthermore, the tragic case involving Dano Sonnex illustrated that some probation officers are supervising more than 100 offenders at any one time. A recent written parliamentary answer from the Minister admitted:

"There is no specified maximum number of offenders that an officer may supervise."—[*Official Report*, 12 October 2009; Vol. 497, c. 154W.]

I can accept that answer, but will the Minister give us a feeling of what she thinks is an ideal number that they could and should supervise? I think we would all like to reduce officer case loads by redistributing resources to the front line. The Conservatives would like a review that would minimise the time spent on form-filling, ensure that resources follow risk and ensure that the amount of time spent face to face with offenders is maximised as far as possible.

When the prison estate becomes overcrowded, there is a clear and obvious physical display of that, and some limitations, but the same is not true of probation services. When the probation service is overburdened and overworked, as the Prison Service is, in some respects, there is no early-release operation safeguard and there are not the same controls of discipline and prison walls. Overcrowding in the probation service can result in cases such as that of Dano Sonnex and could lead to an increase in reoffending on our streets. More offenders are being supervised by the probation service than there are offenders in prison, but there are far fewer staff. Also, resources are often focused in the wrong place and there is too much emphasis on bureaucracy and process instead of the better public protection that would come with more face-to-face contact.

The answer to that problem is not simple, short or straightforward, but we can at least try. It is vital to allocate resources intelligently, focus on front-line work, minimise reorganisation and run simple but effective IT systems, but what we need overall is intelligent, strategic leadership from a Government who value the probation service and the vital role that it has to play in reducing reoffending and keeping the public safe.

3.48 pm

The Minister of State, Ministry of Justice (Maria Eagle): Let me begin by congratulating the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) on securing the debate, which I think everyone present has enjoyed. As ever, he put forward his points in a deeply irritating manner that forced me to keep leaping up and down, and I ended up annoying him because he thought that I was being tetchy.

Mr. Llwyd: The Minister's description of me as deeply irritating is probably the best compliment I have had in my political life, so I am grateful to her.

Maria Eagle: I am glad to have made the hon. Gentleman's day, but he has made mine as well, so our debate in this Chamber has been mutually beneficial. We have had a good debate about some extremely serious issues.

One thing has come across overwhelmingly in everyone's contribution: Members on both sides of the House appreciate the work that probation officers and others who work for our probation service do in all our constituencies and across the land. As my hon. Friend the Member for Hayes and Harlington (John McDonnell) made absolutely clear, sometimes it really is a thankless task that they undertake on all our behalves. They do not get thanked enough when they do brilliantly well, as they usually do, and when something goes wrong it is frequently on the front pages of the newspapers and lynch mobs want to blame someone. I realise, as do all Members who have spoken in the debate, that that makes for a difficult working environment and a difficult job generally. We thank them for the work that they do, because it is generally absolutely brilliant; we all agree on that, if on nothing else. The 42 areas that comprise the national probation service, whether trusts or area probation boards, are generally high-performing organisations, and their performance has been improving over the years.

I want to say something about the Sonnex case and London Probation, because that was a particularly appalling instance of failings adding up and resulting in an absolutely terrible situation. We know that Sonnex could and should have been in custody at the time he committed those terrible murders, and that the individual from London Probation who was wrongly charged with looking after him was far too inexperienced to do so. No blame is attached to that individual, as was made absolutely clear at all times in the reviews and reports that were published. Andrew Bridges' report, to which the hon. Member for Meirionnydd Nant Conwy referred, made it absolutely clear that there were serious management failings in London Probation at the time, so much so that the gentleman in charge of that organisation felt the need to resign.

London Probation now expects to recruit 120 new probation officers, 100 of whom were being recruited anyway, with money that London Probation already had. One of the biggest concerns highlighted in the Sonnex case related to the poor allocation of resources among the different parts of London Probation that needed them. The problem was caused not by a lack of resources, but by poor management and failure to deal with issues of concern, such as the high work loads of inexperienced officers. London Probation is beginning to make significant improvements, as we expect it to do, so I would hate the whole service to be judged by that set of horrendous failings, which have been acknowledged all round, and which will be put right in London for the future.

The hon. Member for Meirionnydd Nant Conwy referred to budgets, and to the consequence of the expectation, which existed until late last week, that the indicative budgets that probation areas had been working to would become next year's actual budgets. It is now known that that is not the case; an additional £26 million has been found, which means that the reduction in budgets for next year across the entire probation service will be 2.68 per cent. The precise allocations from the director of offender management to each probation area or trust have not yet been determined and are being worked out, but we will want to ensure that the money goes from the centre to the front line.

There is enough money in the budget to employ 625 probation officers and offer permanent opportunities to all the trainees, about whom Members have expressed concern; they gave the figures from their areas. Some of the people who have been offered only temporary contracts ought now to see those translated into proper, full-time employment opportunities. As all Members who spoke in the debate have suggested, it is nonsense that someone should be trained at a cost of £94,000, and then find that their services are not needed because of budgetary constraints. I can make it clear that that kind of nonsense will not occur under the new training arrangements, because people will not be offered training contracts without a guaranteed job. I hope that the extra resources that we have found for probation areas this year will ensure that those people are able to employ the skills that they have acquired during training.

Several Members referred to the 70 per cent. increase in probation resources since 1997. That figure is correct; it is a 70 per cent. increase in real terms, taking account of inflation. There has also been a 53 per cent. increase in the work load, a point to which several Members referred. There has been an overall increase of 49.3 per cent. in the total number of probation staff in post over the same period, and an increase of 15.5 per cent. in the total number of probation officers in post. There have been some real increases, and that is without taking into account the number of probation service officers, which has been subject to a bigger increase. That budget increase has been translated into real and significant increases in front-line staff who are there to do the job. We want to ensure, however, that the money that we provide goes, as far as is possible, to the front line.

My hon. Friend the Member for Hayes and Harlington asked me to come to one of the justice unions group's seminars, and I would be happy to do that—I do not think that I have ever refused to do so. My right hon. Friend the Secretary of State and I meet the probation trade unions together monthly, and I meet them more frequently than that. I am always open to hearing from trade unions that are representing staff, and from staff directly, if Members wish me to do so.

I welcome my opposite number, the hon. Member for Rutland and Melton (Alan Duncan), to his new post as shadow Prisons Minister—it will be a long stretch, with tough work to do. He and several other Members referred to the proportion of time that probation officers and front-line staff spend in front of computers. I am not willing to accept that all the time spent in front of computers is not front-line work that reduces reoffending, because some of that time is used to make proper records, which we would all expect them to do, of the work that they do face to face with the offenders whom they manage. That time is also spent completing the risk assessment process using the OASys tool, which is the basis of the system whereby the service as a whole assesses the risks posed by individuals who are being supervised; that is an essential part of the job.

In answer to a point raised by my hon. Friend the Member for Hayes and Harlington, I accept that OASys is deeply frustrating to fill in and far too slow. We are

looking with our staff at ways of improving and streamlining the process, and we hope to be able to make progress on that. However, it is important that we do not simply say that any time spent in front of a computer is wasted and somehow means that the system is bureaucratic. The work done on computer is a fundamental part of the work that probation staff and officers do, so we cannot promise to remove it completely.

The hon. Members for Meirionnydd Nant Conwy and for Chesterfield (Paul Holmes) referred to the situation in Wales and Derbyshire respectively. I accept that the picture can be different in each local area, and that the number of fully qualified probation officers will have decreased slightly in some areas and increased in others. I do not think that it is for me, the Minister sitting in Whitehall, to determine precisely how resources that go to the front line are used. That is why those areas are run locally. It is important that we send the signal that we want the additional money being provided to go to front-line services. I am sending that signal strongly. We certainly want to ensure that over the next year, the extra money—the money that is over and above what was expected—is used on front-line services, to employ trainee probation officers and ease some of the work load pressures to which Members have referred. I am afraid that I do not have time to mention all the other points—

John Cummings (in the Chair): Order. We must move on to the next debate.

Pupil Funding (Haringey)

4 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): I am extremely grateful to have secured this important debate, the outcome of which is so vital to children in Haringey, and I am delighted to appear before you this afternoon, Mr. Cummings.

What is the extent of the problem that I have brought here today? In Haringey schools, children get nearly £1,200 less per head—per head—than children in neighbouring boroughs such as Hackney, Islington and Camden. The differential is partly caused by having to pay inner-London pay scales, which are higher, but receiving only outer-London per pupil funding, which is lower, yet Haringey shares its character mainly and most closely with Camden, Islington and Hackney. It faces the same kinds of challenges and costs, yet those boroughs get inner-London per pupil funding to meet their needs, but Haringey does not. Why? How is that fair, when the challenges are so similar? Our teachers rightly deserve the inner-London pay scale, but Haringey also deserves the inner-London per pupil funding.

When I brought the matter to the attention of the Prime Minister at Prime Minister's questions, he agreed that there was an anomaly that needed to be looked at, but that was before the last funding review, when our children were, on average, only £736 adrift. The gap worsened to more than £1,000 after the last review, which changed nothing for Haringey.

Many local authorities could make a similar argument and say that their funding is less than their neighbour's. In fact, Haringey receives, on average, £845 more per pupil than the Minister's constituency of Kingston upon Hull, North, so no doubt the Minister could make an argument about unfairness, but that is not the argument I am making. This is not a crude argument about them getting more than us, or more than me. All hon. Members could no doubt make a good case for better funding for their schools.

This debate has been requested because the structural problem in school funding budgets means that Haringey schools do not receive funding that reflects their needs, and that is having an impact on children's education in both the east and west of the borough. It is a historical problem: it is a legacy from Greater London council days, when Haringey was divided into two education authorities, inner and outer London.

Even under the area cost adjustment, which is a measure aimed at ending unfair school funding disparity, Haringey loses out. The ACA formula is supposed to give more funding to areas that have higher labour costs, but it has not been used to help Haringey, even though Haringey has the same ACA factor as Enfield, which pays outer-London staff rates. Bizarrely and inexplicably, boroughs such as Kingston and Richmond upon Thames, which also pay outer-London staff rates, still get 7 per cent. more from the ACA than Haringey.

In 2007, Haringey was ranked as the fifth most deprived London borough by the Government, yet it was 15th of the 33 boroughs receiving the highest level of per pupil funding. Everyone agrees that education is the key to addressing deprivation, yet even if we look at the most generous interpretation of the differences, compared with the 10 inner-London boroughs, Haringey

[Lynne Featherstone]

received £757 less than the average in 2008-09. This year, the gap increased to £800, and next year it will grow further to £846. That is if one takes the most generous view of the situation.

If we move away from averages and look at direct comparators with the neighbours who are most like us, we find that in 2008, Haringey received £1,183 less per pupil than Hackney. This year, it will receive £1,248 less, and next year the gap will grow to £1,318. Those are not normal gaps. I have heard many Members discuss differentials in their area, but I have never heard of any in that league.

If Haringey had received the same funding as Hackney, which, as I said, is a borough with similar demographic and educational challenges, its schools would be £39.8 million richer this year. Indeed, based on official growth figures for 2008-11, Haringey schools would be approximately £120 million better off if they received the same funding as Hackney. Per pupil, we get £4,987. Neighbouring authorities get more: Hackney, £6,170; Camden, which is even more like Haringey, £6,161; and Islington, which is still more like Haringey, £5,812. Add the ACA, and each Hackney child gets 24 per cent. more funds than a Haringey child.

What a huge difference it would make if we had fairer funding. We would be looking at 15 extra teachers in each of our 66 schools. Haringey currently has 1,500 teachers; the £39 million differential would deliver 1,021 more teachers. That is a staggering difference, and what a difference it would make to our children.

What is the effect on Haringey of this problem? Because of the legacy from GLC days, Haringey teachers are paid at inner-London rates, and I support their receiving more. They face many of the high costs that merit higher funding—not just because of the challenges in Haringey but, most important, the high housing costs.

Comparing the Government pay scale for inner and outer London, inner-London teachers are paid, on average, 4.5 per cent. more than their outer-London counterparts. At the top end of the scale, that means that a head teacher will cost £4,018 more in basic salary terms, and even more when national insurance and pension contributions are included. Haringey reported that in 2008-09 it employed 1,500 teachers. From Department for Children, Schools and Families figures in 2006, the average salary for a Haringey teacher was £38,950, or £1,330 more than the London average.

If we use a specific example and make a comparison with Enfield, a neighbouring borough to the north, in 2006, the average Enfield teacher cost £36,480—£2,470 less than Haringey, or 6.8 per cent. On a rough calculation, Haringey has to spend £3.7 million more than Enfield on teachers, but that factor is not taken into account in the current funding structure. That is a significant sum in itself, but the real harm is done by the recognition that the Government give to Haringey as an area of need. They count it as inner London when it comes to staff costs, but not when it comes to per pupil funding.

Without doubt, Haringey's teachers need and deserve the higher rate of pay, and I trust that the Minister would not for a moment consider that the answer is to take away their inner-London pay rate. The real answer is to give Haringey inner-London per pupil funding, and I am sure she knows that that is the only fair way to meet the needs of children's education in Haringey.

There is real evidence of the impact that the lower level of funding is having. For example, information obtained by my hon. Friend the Member for Yeovil (Mr. Laws) under the Freedom of Information Act put Haringey as the London borough with the highest number of schools—27, or almost one third of all our schools—predicted to end the year in deficit.

I have been engaging with local teachers and parents and the unions on this topic. I have encouraged them to describe the effect of the funding shortfall, and I would like to quote a few of the responses. I was copied into a letter to the Secretary of State for Education and Skills from a board of governors in my constituency. It states:

"If Haringey was fairly funded, our school could afford to provide more books, more equipment, more resources, more computers, our classrooms would not leak when it rains, the list is endless."

That is from Rokesly infant and junior school's governing body.

This is from the chair of the governors of Earlsmead primary school:

"The wards we serve are among the most deprived in the country, with high unemployment, poor housing stock, temporary accommodation and unusually high levels of pupil mobility. We are rightly proud of the achievements of our pupils and staff but we could offer so much more for these young people and their families if we had fair funding."

I received an e-mail from someone who was in the health part of a child protection team in Haringey. She said that Fortismere school in Muswell Hill had to cut its truancy monitoring officer in 2007-08, and hence children who were truanting were missed, which was a great concern in relation to the protection of vulnerable children. That health consultant/paediatrician said that children who miss school may be absent for a variety of problems, including learning difficulties, bullying, problems at home and emotional difficulties, but if the school does not even realise that they are missing or absent, those difficulties cannot be caught, addressed and picked up in time. The failure of monitoring was blamed on financial pressures by the school, which said, when approached about it, that it had to cut that post.

The head of Woodside high school in Hornsey and Wood Green was quoted in *The Guardian* in September, saying that to stave off a deficit, she had not replaced members of staff this year, including a deputy head, but that even so she is still facing a shortfall of £500,000 next year.

Local teachers have achieved a fantastic amount in raising standards in our borough and they are to be applauded for their achievement in the face of such funding adversity. They rightly deserve inner-London pay scales and they work miracles against one of the most difficult, demanding backdrops. Nevertheless, Haringey performs significantly below the national average. I have no doubt that that gap could have been narrowed by our brilliant teachers if the funding gap had been reduced.

In 2008, 59.7 per cent. of Haringey pupils received five or more A to C GCSEs, compared with a London average of 65 per cent. Other indices show that Haringey is falling behind national trends. In 2007, primary class

sizes were larger than the London or national averages and, where national trends showed falling class sizes, in Haringey they rose. University uptake has increased at well below the London average, at 1.7 per cent, compared with 6.7 per cent. across the capital.

What is the solution? Each time I mention unfair funding in Haringey, Ministers answer by pointing to the dedicated school grant area review, which is currently taking place. However, we urgently need interim arrangements. With each passing day, Haringey schools are £109,778.21 worse off compared with Hackney. That differential is there every single day. The scale of the underfunding is so large that I urge the Government not to wait until September 2011, when the review will be implemented. I would like the Minister to commit to emergency funding for 2010-11, so that our schools do not fall further behind.

I have been encouraging all local stakeholders to take part in the dedicated school grant area review, in the hope that our voices will be heard and we will not be ignored. Can the Minister give categorical assurance that Haringey will be in a better financial position at the end of the review? I ask because that was not so at the end of the last review, and thus far I have not succeeded in getting such an assurance from the Government.

A review was announced in July 2005 for the current 2008-11 funding arrangement, so despite the need level we were ignored last time and our situation worsened, as I have said, from a £736 differential to one of well over £1,000. In a written statement to the House in July 2005, the then Secretary of State for Education and Skills pledged that as part of that review the Government would

"replace the existing distribution methodology with a fairer formula".—[*Official Report*, 21 July 2005; Vol. 436, c. 136WS.]

However, in this 2008-11 period Haringey's per pupil funding only increased at 12 per cent.—below the national average of 13.1 per cent. and a London average of 13 per cent. To us, that is evidence of the previous review's failing to address the specific issues that affect fairer funding for Haringey. Although Haringey was only 1 per cent. and 1.1 per cent. behind those other averages, it started from such an unfair base that we were not getting closer, but moving further apart.

Having a representative from Haringey on the review board would have been one positive way to give us some reassurance about the review's work. I have written on numerous occasions to, and raised the matter directly twice with, the former Schools Minister, but, sadly, my request for Haringey to be represented has been refused. I ask the Minister to reconsider that request, given that Haringey is a special case. I also find it strange that the one representative body not included on the review panel is the National Union of Teachers.

I assure the Minister that this is a cross-party issue. Although I speak as the Liberal Democrat Member of Parliament for Hornsey and Wood Green, the issue and the campaign are supported by the Minister for Higher Education and Intellectual Property, the right hon. Member for Tottenham (Mr. Lammy), the Labour leadership on Haringey council, the Liberal Democrat council group, obviously, as well as countless teachers, governors, heads and Haringey NUT, which is here today—and, of course, parents of children at schools in the borough.

In conclusion, I ask the Minister four definitive questions. First, although the Government clearly recognise the high level of need and the challenges in Haringey and direct it to pay our school teachers at the higher inner-London rate, why do they not award them the inner-London per pupil funding? I have never understood why we are considered needy when it comes to teachers but not needy in respect of funding. Secondly, why do the Government not apply the area cost adjustment to Haringey fairly to adjust the unfair funding situation we have found ourselves in?

Thirdly, although the Minister will undoubtedly say that she cannot prejudge the findings of the dedicated school grant review, given that this unfair funding has gone on for some years and civil servants have clearly not seen fit to do anything about rectifying the situation, and may once again fail to address it in the current DSGR, as happened with the last review, I ask the Minister to put on the record today the case that she will make to the review for Haringey to get fair funding. I am asking for her to make our case for us, as a special case, and asking how she will do so, since we are not to have a representative on the review.

Fourthly, and lastly, the review will not report until late 2010 and its findings will not be implemented until 2011. By then, Haringey will have more problems and more schools in deficit than anywhere else in London. Given that this unfair funding is now clearly causing real damage, will the Minister commit to making an interim bridging fund of £1,000 per Haringey child until the funding anomaly is corrected in the review?

I look forward to the Minister's answering those four simple questions.

4.17 pm

Sitting suspended for a Division in the House.

4.26 pm

On resuming—

The Parliamentary Under-Secretary of State for Children, Schools and Families (Ms Diana R. Johnson): I hope that my response will cover the four questions that the hon. Member for Hornsey and Wood Green (Lynne Featherstone) asked at the end of her contribution. I congratulate her on securing this debate. She has raised the topic several times, and my Department takes it seriously.

It is essential that every school receives sufficient funding not just to ensure that their pupils receive the necessary support to learn, but to give teachers the correct amount of pay for their services. I want to ensure that all schools receive the right funding for their circumstances, including Haringey. As the hon. Lady knows, the matter has been the subject of much correspondence, and a question to the Prime Minister. It has resulted in strong lobbying from her, the Minister for Higher Education and Intellectual Property, my right hon. Friend the Member for Tottenham (Mr. Lammy), and the leader of Haringey council, Councillor Claire Kober. My right hon. Friend has requested a meeting with me, to which I have agreed, and the hon. Lady's debate today provides a further platform for this important issue.

[Ms Diana R. Johnson]

On school funding, I want to emphasise the unprecedented amount of investment that the Government have put into schools to address decades of under-investment. Between 1997 and 2010, national revenue funding was increased by £2,410 per pupil, from £1,808 to £4,218 in 2010. We are continuing to ensure that that investment is built on to provide schools with the correct funding for their pupils and staff. That is why we introduced the dedicated schools grant in 2006, which changed how each local authority is funded for the schools in their area. That amount was calculated by the spend plus model, which took the per pupil spend by each local authority in 2005-06, and applied an increase to it. The model was used again in 2006-07 and 2007-08, and it has provided stable and predictable funding levels for all local authorities. That is why, following significant consultation, it continued to be the model from 2008 and will be until 2011.

The fact that Haringey receives money for outer-London weighting but must pay its teachers inner-London weighting puts it in a difficult position. The issue is not new, as the hon. Lady said. Haringey has paid inner-London weighting for teachers since the 1970s, and its current funding levels reflect how much it was spending in 2005-06. The significant changes in the way that local government is funded have ensured that Haringey receives substantial funding support. Its funding will continue to rise and, by 2011, will have increased by 12 per cent. from 2008—from £4,987 to £5,364 per pupil in 2010-11. However, we recognise that with that increased funding we need to ensure that there is still a focus on pupil characteristics and their needs. We want to reach a funding formula that distributes funding based on the need of each school and local authority, rather than on historical spend. That is why we are undertaking a review of how the dedicated schools grant is distributed.

A key issue that we are considering is the area cost adjustment, which the hon. Lady mentioned. Haringey is one of six London authorities—the others are Barking, Brent, Ealing, Merton and Newham—that pay teachers inner-London pay but are in outer-London ACA bands. We commissioned PricewaterhouseCoopers to do extensive research to support the review, and an area that it explored was the ACA. Its research was published in the summer and proposed four options for the ACA: an approach based on the general labour market in each area; an approach based on the cost of living and house prices in particular; an approach based on the specific costs that local authorities and schools face in employing teachers; and a mix of the general labour market and specific cost approach. We are exploring each of those possibilities, but I cannot confirm any choice at this time. There are pros and cons in all approaches and we shall publish our consultation in January, but I want to reassure the hon. Lady that we are bearing in mind the issue of the funding for Haringey when we consider the options.

When my officials established the formula review group, they worked closely with the Local Government Association to ensure that a large mix of representatives from different councils was in the group. With that approach, a national view could be obtained and potential impacts on the range of local authorities considered. There is a representative from London Councils in the group, and I believe that the issue in London will be represented fully. No individual authority is represented and I do not believe that an exception should be made for Haringey. That is not to say that we did not take individual local authorities' views into consideration.

As the hon. Lady will be aware, the head of school funding from the Department for Children, Schools and Families attended the Haringey schools forum conference last year to hear the forum's opinions on the subject. Over the summer, we encouraged interested parties to comment and contribute to the review. We made it known through our website and interaction with partners that we were open to receiving papers from those interested in the review for consideration by the formula review group.

I want to explain why the NUT is not in the group. The Government's preferred method of engaging with trade unions is through the work force agreement monitoring group, and unfortunately the NUT is not in that group because it has not signed the work force agreement.

I am conscious that time is ticking by. The hon. Lady referred to interim measures that could be brought in now. It is important to say at this point that I understand that the number of schools in deficit in Haringey in 1999-2000 was 28, but in 2007-08 that number had reduced to 15. I point that out just for information. The issue faced by Haringey is a long-term one and we are considering, as I have set out, what to do for the future. However, we are not in a position at this stage to make any additional funding available in the meantime.

In early 2007, we consulted on the school funding arrangements for 2008 to 2011, which we published before our announcement for the settlement in November 2007. We received a clear message that the stability and predictability of the spend plus method was right for this period, but that we should carry out a review. It would not be right to reopen the funding settlement now, after we have made it clear to all local authorities that we will not—giving them confidence that they can plan within their means. To reopen the settlement would destabilise the system and we will not do that. Haringey has had, like all other local authorities, an indicative budget for the three years since 2007 to enable it to plan.

I commend the hon. Lady for her proactive role in initiating today's debate. It is on an issue affecting other local councils, and we are working to ensure that these matters are considered and to see whether a suitable solution can be put into practice. It is essential that every local authority receives the right amount of funding to support its schools. Through the work that we are carrying out in the dedicated schools grant review with our formula review group, we are ensuring that that need will be met.

John Cummings (in the Chair): Order. We now move to the next debate. Unfortunately, the Minister is not here yet, but we can continue.

Selective Licensing Schemes

4.35 pm

Phil Wilson (Sedgefield) (Lab): It is a pleasure to serve under your chairmanship, Mr. Cummings. The issues that lie beneath the surface of this subject are of great concern for many of my constituents. I believe that the need to extend selective licensing has both positive and negative connotations. Selective licensing schemes have been introduced in several areas of the country and are established where there is low take-up of housing, a high proportion of private landlords, and antisocial behaviour. There are two schemes in my constituency: one is in Dean Bank in Ferryhill and the other is located in a part of Chilton. The two villages are about a mile apart and are former coal-mining communities.

Both schemes have been established for more than a year and were made possible by the Housing Act 2004. Schemes need first to be sanctioned by the Secretary of State. The powers under the Act are primarily intended to address the impact that poor-quality private landlords and their antisocial tenants can have on the wider community. If a local authority designates an area as subject to selective licensing, all the private landlords in that area must obtain a licence, and if they fail to achieve acceptable management standards, the authority can take enforcement action.

I have said that selective licensing schemes have both negative and positive connotations—negative because the perception is that the area has antisocial behaviour problems, but positive because the local authority and community want to sort out the problems. Other constituents, in Trimdon Station, and a group in Chilton want the scheme extended to their streets, because they believe that selective licensing offers protection. I believe that the initiative does that, but it is still early days to see how successful the original schemes have been, although evidence from the agencies involved shows that progress is being made.

During the summer recess, I attended many meetings with residents, the police, environmental health officers and local government officers about problems arising from antisocial behaviour and unkempt residential properties. I met residents in Dean Bank, Chilton and Trimdon Station. Many were angry. They felt isolated and powerless to deal with the problems that confronted them in their everyday lives in their communities. There were major similarities in the situations faced by all those residents. They all lived in former colliery terraced housing, where private landlords owned many of the properties. Many of them were absentee landlords who did not seem to care who they were letting their properties to or what those people got up to. As a consequence, antisocial behaviour and a local environment that was growing dishevelled became a major problem. Once-proud communities felt threatened and not in control.

The problem in Dean Bank is in an area where selective licensing is in place and which is dominated by terraced housing. In Chilton, the problem was situated away from the selective licensing scheme area in the village and was focused on the Arthur street, Albert street and Prospect terrace area of the village. All three streets have early 20th-century terraced housing. In Trimdon Station, the problem is also focused on three streets: Station Road East, Station Road West and St. Aidan's terrace.

The history of the areas is similar. We are talking about areas of early 20th-century terraced property, with low demand. Owner-occupiers move out and housing prices stagnate, offering investment opportunities for private landlords. Problem tenants move in, standards decline and then there are empty properties and house prices go down. In a nutshell, that is the history that residents have lived in recent years.

To show some evidence of that, I asked Durham county council to provide me with statistics on the make-up of the ownership in the three areas. The statistics showed that of the 1,082 properties in question, 408, or 38 per cent., were held by private landlords. Of those, 51 per cent. lived outside County Durham or lived abroad. In some streets, such as Davy street in Dean Bank, 53 per cent. of the houses were owned by private landlords, the majority living outside County Durham. In St. Aidan's terrace in Trimdon Station, 11 of the 25 terraced properties were owned by private landlords, the majority living outside the county. In Arthur street in Chilton, 50 per cent. of terraced properties were private lets, again with the majority of landlords living outside the county.

The county council listed for me the reported problems, which included, for example, groups congregating on the streets drinking alcohol, fighting, criminal damage, rubbish accumulating in backyards, unsightly properties and poor property conditions. The problems seem to be emanating primarily from properties that are privately let.

I believe that the relative cheapness of the terraced housing in question has attracted a high proportion of private landlords to those three villages. Regionally, about 8 per cent. of the housing stock is privately rented, although nationally the figure is about 13 per cent. In the area around Sedgefield it is 5.5 per cent., but in the areas of Chilton, Dean Bank and Trimdon Station, 38 per cent. of private properties are privately let, the majority by landlords who do not live in County Durham, let alone in those villages. Antisocial behaviour is a significant problem for local residents, and is higher there than in the surrounding areas. That link needs greater attention. How can a landlord who lives in another part of the UK, or abroad, care about the community in which his property is situated? On balance, I do not think that he can.

That does not mean that all private landlords are bad—I do not believe that for a minute. However, there must be a problem at that end of the privately rented sector if it is deemed necessary to have selected licensing schemes that are mandatory for the landlord to sign, and through which fines of £5,000 can be imposed on a landlord who does not follow the rules.

Selected licensing places a duty on private landlords to act responsibly. Part 3 of the Housing Act 2004 provides that the local authority may declare a licensing scheme for privately rented accommodation in an area, as long as certain conditions are met. The area must be, or be likely to become, an area of low housing demand, and it must have a significant level of privately owned houses that are let on short-term arrangements. Furthermore, the local housing authority must be satisfied that the introduction of such a scheme, together with

[Phil Wilson]

other measures, would lead to an improvement in the social or economic conditions in the area. Such a scheme could be used in an area that is experiencing significant or persistent problems caused by antisocial behaviour, and where the private landlords are not taking appropriate action to combat the problem, and in places where the local housing authority is satisfied that the scheme's introduction, together with other measures, would lead to a reduction or an elimination of the problem.

Before declaring a selective licensing area, the local housing authority must consider whether other courses of action that could deal with the issues effectively have been tried. It must ensure that the scheme is consistent with its housing strategy and its approach to homelessness, empty properties and antisocial behaviour. It must also consult landlords, tenants and residents associations.

In an area with a licensing scheme, most private landlords or management companies would be required to obtain a licence in order to let or manage residential property. The mandatory licence conditions would require the holder to meet the following conditions: to take reasonable steps to deal with antisocial behaviour; to provide annually a gas safety certificate to the local housing authority where applicable; to keep furnishings and electrical appliances in safe condition; to keep smoke alarms in good working order; to supply tenants with written terms of occupation; and to demand references from prospective tenants. The local authority may also set any other conditions that it deems necessary.

If the licence holder commits an offence or is in breach of the licence conditions, they can be fined a maximum of £5,000. Non-compliance would also allow the local housing authority to revoke the licence. The LHA may apply for an interim management order in respect of a licensable property that remains unlicensed. That would last for a period of 12 months, and a final management order must be applied for if the LHA still feels that it is unable to grant a licence. Individual problems at an address inside or outside a licensing area would be addressed by the use of a single interim management order. The licence would normally be valid for a maximum of five years, and may be varied by the LHA if there has been a change of circumstance.

The council will reference prospective tenants, assist the landlord in dealing with problem tenants or antisocial behaviour, provide evidence to assist with an eviction process, and facilitate a private landlords' forum to provide a platform for consultation, discussion and the sharing of good practice. As the county council reminded me, selective licensing is only one measure and other tools can be used when tackling problems with private landlords. For example, Durham county council is developing a voluntary accreditation scheme that will be made available to any private landlord who rents out property in the county. The scheme aims to assist landlords in improving their management standards and property conditions, which in turn will benefit tenants and local residents.

The council will offer benefits to accredited landlords, which will include assistance in dealing with problem tenants in the form of joint visits and the collation and production of evidence for legal action. The county council can assist landlords in referencing prospective tenants, and it is developing a system to be used county-wide, such as the traffic light system that is currently used in some areas. The council is also considering a good tenants scheme, which would enable anyone looking for private rented accommodation to apply to become recognised as a good tenant. That would help them to move forward quickly should a suitable property become available.

The council wants to co-ordinate its approach to private landlords by setting up such initiatives and using the full range of powers that the Government have laid down in legislation. It works closely with the police and uses environmental health provisions to help tidy up certain areas. Many of the initiatives that I have mentioned are voluntary, and I want to ask the Minister whether he agrees with them, and whether he will look into how such schemes could be made compulsory, to ensure that private landlords are licensed, not selectively, but before they can let properties.

There are three categories of private landlord. First, there are good landlords who take their responsibilities seriously. Secondly, there are bad landlords who, whatever someone does, are not prepared to play the game because they frankly do not care. The largest group are what have become known as amateur landlords. They are neither good nor bad, but they lack the necessary skills and sometimes have a job other than that of looking after the properties they let. A general licensing scheme would be useful. It should not involve only paying a fee; there should be some qualification or something in the provision that proves that the landlord knows their rights, duties and responsibilities.

The Rugg review highlighted the fact that 73 per cent. of landlords are either individuals or couples. It also described the private rental sector as a cottage industry. The number of properties that most landlords own is small—44 per cent. of landlords who are individuals or couples own only one property. A further 27 per cent. own two to four properties.

Social trends determine that those who own properties for rent have often inherited the property, have found difficulty in selling it before moving out or have the property as a spare following a partnership formation. However, the majority trend is the investment motive. In 1993-94, the landlords of 48 per cent. of English dwellings viewed their property either as an investment for capital growth or as rental income. By 2006, the proportion of those viewing property as an investment had grown to 70 per cent.

In recent years, there has been an increase in the proportion of landlords who are new to the business. In 2001, 53 per cent. of landlords who were individuals or couples had been letting for less than 10 years. In 2006, that figure had grown to 60 per cent. Those are the reasons why, in my view, a general licensing scheme for private landlords should be introduced.

The evidence suggests a growing trend in absentee landlords. The purchase of a property is a capital investment, which makes some purchasers not landlords but property investors and speculators. They tend to hand over their properties to a managing agent, which opens up a whole new can of worms because managing agents are not regulated at all. A general licensing scheme should not just involve receiving the licence for a fee. I believe that a potential or existing landlord should prove his or her competency in letting out property.

They must show that they are honest and of good character, and that they know what is expected of them and understand the law. If the landlord is an absentee, they must demonstrate how the property and tenant will be managed in their absence.

I also fervently believe that where a substantial amount of the housing stock in a given area, such as Dean Bank, Chilton and Trimdon Station, is dominated by private landlords, those landlords have a moral responsibility not only to their properties and tenants, but to the wider community. As part of any licensing scheme, the landlord should state what positive role they intend to play in the community.

It is not good enough simply to say that property is a revenue source for an individual landlord. There might be a market in housing, but it should not be a market where standards are driven down in our engagement with our local communities. The high level of mobility common to the private rented sector means that tenants are less likely to settle for long periods or to contribute to the local community. High levels of mobility can lead to void periods between lettings, which can destroy neighbourhoods, particularly when voids last for significant periods.

More worryingly for both tenants and their neighbours, absent or irresponsible landlords who do not manage their stock can lead to continuing disrepair issues. That has an impact not only on housing conditions for tenants, but on the quality of the external environment for the local neighbourhood. Those are all characteristics of the three areas in my constituency that I mentioned.

Constituents complain to me about the antisocial behaviour of some of the tenants in private lets. That is not a specific problem of private lets, but it is prevalent in the areas that I have mentioned. On occasion, tenants have been evicted by a social landlord, or have dysfunctional family backgrounds. More often than not, they land up in privately let accommodation. If the regulation is tightened, as it is under selective licensing and tenant reference schemes, private landlords can choose not to offer the individual a tenancy. If the individual cannot find a house from either a social or private landlord, where do they go? They are homeless.

When a family or individual is a nuisance to themselves and the local community, we should build on the Prime Minister's announcement at the Labour party conference on the need for family intervention schemes, such as the Dundee families project. Under such a scheme, problems can be resolved in a safe and caring environment, so that the individual can be reintegrated in the community.

Fundamentally, there is a case for the private rented sector and those who operate in it to show some understanding of the public good. They are providing homes for people. How can we expect tenants to have respect for the property that they rent if, as is often the case, the private landlord has no respect for his property either?

The combination of a lack of social housing and house prices that are beyond the reach of many people, especially the young, has swelled the number of low-income households seeking to rent in the private sector. As demand grows, so does the problem. The present situation seems unsustainable, particularly as it is closely linked not only to perpetuating poverty and deprivation, but to the cycle of homelessness.

There are two possible options for tackling the problem: abandon the use of the private rented sector for public housing purposes, or proactively ensure its expansion so that it can effectively meet demand. The former requires a substantial increase in the social housing sector to take up the slack. That may be the ambition of the Government's housing policy, but it is, by definition, a long-term approach rather than an overnight solution. We must look at measures over the short and medium term, and possibly consider growing the private sector in a more systematic way. For example, we could consider institutional investment, possibly by housing associations.

Any growth should be on the basis of a licensing scheme that matches the needs of the tenant and the neighbourhood in a way that is not happening now. Leaving the matter to private landlords, many of whom are absent, in it for the capital return in property and amateurish in their approach, is a recipe for chaos. Those people should not be able to determine the country's housing policy. Will my hon. Friend the Minister let me know his views on the introduction of a general licensing scheme for private landlords? Can he tell me what his Department is doing to monitor selective licensing schemes, and what plans there are to extend them?

In Chilton, where there have been problems and where there is no selective licensing scheme, Ben Hewitt, a local resident who was born in Arthur street, has done a sterling job of pulling the community together to work with the police, councillors and other agencies. The Dean Bank residents association is doing the same thing, and the Trimdon Station local residents have just created a neighbourhood watch scheme. The residents in Chilton and Trimdon Station want the selective licensing scheme to be extended to their area, while the Dean Bank residents want their existing scheme to work.

The communities in my constituency are strong, and they want to live peaceful lives. I am disappointed when I see private landlords—some are good but the majority are absentee—buying up communities for profit without due respect to the local people. That is why I wanted to raise the issue today. I should like the Government to make it a statutory duty on local authorities to liaise and engage with private landlords and monitor them. I know that there is legislation in place to help local authorities, and Durham county council is doing all that it can, but there is no statutory requirement on it to do things systematically, which means that resources are limited. If such a duty was imposed, it would go some way to redressing the problems in my constituency, which, I am sure, are not particular to Sedgefield.

4.53 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): Let me start by apologising for coming in late and missing the start of the speech of my hon. Friend the Member for Sedgefield (Phil Wilson). I congratulate him not just on obtaining this important debate but on all the work that he has done on tackling antisocial behaviour and bad landlords in his constituency. As he said, tackling issues such as antisocial behaviour is one of the Government's top priorities, and I recognise that problems of vandalism, crime and general disorder have a huge impact on the quality of life of ordinary, decent people.

[Mr. Ian Austin]

We have provided a framework of powers and approaches for the police and other agencies so that they can tackle antisocial behaviour swiftly and effectively. As my hon. Friend said, a minority of bad landlords still make their tenants' lives a misery and tarnish the reputation of the whole sector. We want to identify those people and get them out of the market if they are unwilling to improve their behaviour. In recognition of that, the Housing Act 2004 introduced a variety of measures to tackle poor management practices in the private rented sector.

The 2004 Act gives local authorities the discretionary power, subject to Government approval, to designate certain neighbourhoods as selective licensing areas. They may use such powers in areas that suffer, or are likely to suffer, from low housing demand, or from significant and persistent antisocial behaviour.

To implement such a power, local authorities must show how a selective licensing scheme fits in with their overall, strategic, authority-wide approach to dealing with problems in the private rented sector. They need to show, for example, how the scheme will fit in with existing policies on homelessness, empty homes, regeneration and antisocial behaviour. They must also conduct a full consultation with local residents, including tenants, landlords, owner-occupiers and businesses in and around the proposed designation.

Selective licensing will ensure that all landlords and managers of privately rented properties in a designated neighbourhood are identified to the local authority as "fit and proper" persons, and that satisfactory management standards are in place in the property. Landlords will also have to take appropriate steps to deal with their tenants' antisocial behaviour as a condition of a licence, and they will be required to demand references from prospective tenants. Breach of a licence condition is an offence that is subject to a fine of up to £5,000. Letting or managing a property without a licence could result in a maximum fine of £20,000.

My hon. Friend knows that the Department for Communities and Local Government has given approval to Sedgefield borough council and Easington district council to operate selective licensing schemes in their areas. Both schemes are now administered by the newly formed Durham county council. Indeed, the selective licensing scheme in the Dean Bank and Chilton West wards came into force on 7 February 2008 and, to date, 212 licences have been issued and 17 prosecutions are pending. The council has shown that its schemes fit in with the overall strategic approach on tackling problems in the local private rented sector. It is also seeing success in the level of engagement from local landlords operating in its area. Such success demonstrates what an authority committed to tackling problems with its private rented sector can achieve.

As I have mentioned, to establish selective licensing schemes in their area, local authorities are currently required to apply to the Department for approval. When the legislation was introduced, it was made clear that the ultimate aim was a general consent allowing local authorities to establish schemes without seeking approval. Such a consent would not absolve a local authority of the need to comply with the requirements that I have described.

The legislation is still relatively new, and before a general consent is issued, careful consideration is needed of how it would work in practice. I should like to stress, however, that the role of the Department is to facilitate the approval process, rather than to refuse applications for selective licensing. Officials work with local authorities to help develop the most appropriate solutions for the problems that they have identified.

When a local authority presents a scheme that has been properly developed and meets the legislative criteria, our Department aims to turn around approval within 30 working days. However, it is right that we should challenge schemes that have not been properly thought through and that do not meet the legislative criteria.

On approval, licensing schemes last a maximum of five years, and come into force three months from the date of approval. There is no reason why licensing schemes cannot continue and, in certain circumstances, be extended after their end date, if the problems that the schemes are designed to address still manifest themselves.

I expect local authorities to take a robust approach to the tools and powers available to them to tackle problems in the private rented sector. However, I am keen to ensure that local authorities see licensing as a way of developing a partnership with good landlords. If selective licensing designations are to help address the complex issues facing wards such as Dean Bank and Chilton West, it is vital that there be good working relationships between the local authority and local landlords.

The criteria for establishing selective licensing schemes reflect the experience of private rented sector markets at the time when the legislation was implemented. However, I recognise that there is a need for further consideration of the criteria for selective licensing to ensure greater flexibility for local areas in dealing with problem privately rented properties.

My hon. Friend knows that my Department commissioned the independent review, "The Private Rented Sector: its contribution and potential", from Julie Rugg and David Rhodes of the centre for housing policy at the university of York. It was published in October 2008. Its recommendations included a national register for all private landlords and a reconsideration of the criteria used for selective licensing. It proposed, for example, that landlords include their registration number on all tenancy agreements, and that it be possible to remove them from the register if they fail to comply with the required standards. A register would also enable us to identify bad landlords and get them out of the market if they are unwilling to improve their behaviour.

My hon. Friend asked what the position would be in relation to private-sector letting and managing agents. Letting and managing agents do not currently need professional credentials, but the review recommends full regulation for private-sector letting agents. At the moment, because professional credentials are not required, neither tenants nor landlords have any realistic redress when things go wrong. To tackle that problem, the Government propose the creation of an independent regulator for all letting and managing agents.

The Government published our response to the review for consultation in May and have been encouraged by the positive reaction to the proposals, having received more than 250 responses. We are now considering those responses and will publish the results of the consultation later this month.

In conclusion, selective licensing is an important tool available to local authorities to help tackle the worst problems in the private rented sector. Selective licensing will continue to make a valuable contribution to raising management standards in the private rented sector within the designated wards. Through successful implementation of the scheme, the council is sending a clear message that poor management standards will not be tolerated in the region.

I congratulate my hon. Friend on all the work that he has done in his constituency with the local authority to tackle the problems created by bad landlords. I would be grateful if he would agree to meet me and take me through the figures that he read out, so that we can consider the problems in his constituency in more detail.

Question put and agreed to.

5.1 pm

Sitting adjourned.

Westminster Hall

Thursday 5 November 2009

[MR. GREG POPE *in the Chair*]

Arms Export Controls

[Relevant documents: First Joint Report from the Committees on Arms Export Controls, on Scrutiny of Arms Export Controls (2009): UK Strategic Export Controls Annual Report 2007, Quarterly Reports for 2008, licensing policy and review of export control legislation, HC 178, and the Government response, Cm 7698.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mary Creagh.)*

2.30 pm

Roger Berry (Kingswood) (Lab): It is a pleasure again to introduce a debate on our Committees' report on arms export controls, the Government's response, and related matters, but first, may I say how pleased I am to see you in the Chair, Mr. Pope? I am trying to think of a good reason why you, and not someone else, are in the Chair, but I am pleased to see you. I do not know whether you chose 5 November as the date for this debate, but it is an interesting choice.

I thank my colleagues on the four Select Committees: the Foreign Affairs Committee, the Defence Committee, the International Development Committee and what is now the Business and Enterprise Committee, but last year was the Business, Enterprise and Regulatory Reform Committee. Colleagues on all four Committees have worked incredibly hard to produce, again, a unanimous report, and I am grateful for that work. I am also grateful to the staff of the four Select Committees who served us so admirably, and particularly to our Clerk.

Thanks also go to the officials of the Departments that have had the great pleasure of responding to our questions over the past 12 months. I also thank the many individuals and organisations who submitted written evidence, and particularly those who appeared before the Committees as witnesses. We had three evidence sessions this year. One of those sessions was with the then Economic and Business Minister with responsibility for export controls, my hon. Friend the Member for Dudley, South (Ian Pearson), and officials from what was then the Department for Business, Enterprise and Regulatory Reform. We also heard evidence from the then Minister of State at the Foreign and Commonwealth Office, my hon. Friend the hon. Member for Harlow (Bill Rammell), and officials from the counter-proliferation department at the FCO. Finally, we heard from non-governmental organisations and defence manufacturers in the form of the United Kingdom Working Group on Arms, which is essentially made up of Saferworld, Amnesty International UK, Oxfam GB, and the Export Group for Aerospace and Defence, or EGAD. I thank them all. I also thank the Minister for being here to respond to our debate.

Let me say at the beginning, as I always do, that the Committees recognise, acknowledge and compliment the Government on their significant progress over the years on arms export control policy. The system today is completely different from what it was when I first entered the House. In fact, when I first entered it, I did not know what the system was because we were not told. There has been enormous progress in recent years, and the Government deserve credit for that.

We value the greater transparency and accountability, particularly given the current focus on trying to secure an international arms trade treaty. We acknowledge the Government's leadership in that area, and support them. Having said that, it is natural to use this opportunity to identify some areas where there are still differences of opinion, sometimes significant, between our Committees and the Government. I shall select a few areas, and I know that my colleagues will pick up others.

Let us start with extraterritoriality. Over the years, the Government have extended extraterritorial controls on brokering, and we welcome that. They have done so for a good reason, and I cannot find better words than those chosen by the Government in their response to our last report. They said that the case for extending extraterritorial controls on the arms trade was

> "to ensure that unscrupulous traders cannot pursue deals that concern the UK simply by carrying out the business from another country."

That is a clear, explicit statement. It is not good enough for one country simply to say that it will not license arms exports for a particular end user. It would be more sensible if countries took cognisance of the fact that that is not effective, because the trader could simply hop on a train or plane and do the same deal elsewhere. The Government's case for extraterritorial controls for UK brokers is that if we do not want them to pursue deals from the UK, we do not want them to do so from any other country either. That is an admirable summary of why we should have robust controls regarding UK brokers overseas.

From April, controls on the brokering of small arms and light weapons have been extended to cover the activities of UK persons when operating offshore. Previously, extraterritorial controls had not applied to small arms in such circumstances. The Committees welcome that change, for which we have argued for some time. Let us not forget that small arms and light weapons are today's weapons of mass destruction. Someone is killed every minute as a result of conflict involving small arms—500,000 people a year. The weapons that kill most people are precisely those, so extending extraterritorial controls on UK brokers who deal in such weapons is a welcome development of Government policy. It has never made sense to exclude small arms from such controls.

However, as we have previously argued, surely the Government's logic should be the same as that of the Committees—that all trade in goods on the military list should be brought within such extraterritorial controls. I said last year that the Government had outsourced policy making, but I shall be more charitable. They took the sensible view that NGOs and defence manufacturers are active partners in developing arms export control policy, and that it was sensible for them to ask whether NGOs and defence manufacturers—EGAD—could get together to consider ways of extending extraterritorial brokering controls to other items on the military list.

[Roger Berry]

In our report, we said that the Government should set a deadline for those discussions, which were to result in draft proposals. Their response was that they had received a proposal, as we knew—it was delivered in the summer—and that they intended to respond to it formally by the end of October. It is now November and to the best of my knowledge we have not had the Government's response. Will the Minister tell the House whether the Government have yet sent their formal response to the proposal by the NGOs and defence manufacturers on the further extension of extraterritorial controls, and if not, why not?

We also recommended that the Government extend category B—that is what we are discussing—to include anti-vehicle land mines, as both the NGOs and EGAD had said that there was a valid case for doing so. In response to our report, the Government said that they would consider that, so will the Minister tell us their timetable for re-examining whether anti-vehicle land mines should be placed in category B?

Talk of extraterritoriality naturally takes us to the wider issue of brokers. For the third year in a row—it may be more than three years—the Committees have recommended in the report the establishment of a register of arms brokers. Previously, in oral evidence, the Government had conceded that the principle of a register of arms brokers had certain advantages, but they raised the question whether the administrative burden of introducing such a system would justify the benefit. However, I was pleased to see that in the Government response to our report, they said that they would be happy to consider the issue again. I welcome that, as I am sure other colleagues do, not least because the Committees visited Ukraine—I shall come to that visit again in a moment—and our experience there demonstrated, as we say in the report, the need for a register of brokers. Perhaps now is the time to explain.

A few years ago, Saferworld—one of the NGOs that has been very actively involved in putting its views to our Committees, for which we are grateful—invited a group of Ukrainian parliamentarians to come to the UK to observe our system of parliamentary scrutiny and to learn how parliamentarians here were involved in holding the Government to account for arms export control policy. The Committees met our colleagues from Ukraine and we had a useful visit.

Earlier this year, at the invitation of the Foreign Office, three members of the Committees—the right hon. Member for Tonbridge and Malling (Sir John Stanley), my hon. Friend the Member for South Ribble (Mr. Borrow), who is not here, and I—visited Kiev. It was a return visit, essentially as part of the Foreign Office's commendable outreach programme, to enable us to have discussions with parliamentarians, officials and civil servants in Kiev about arms export controls and parliamentary scrutiny. At one of those meetings, the Ukrainian deputy Minister for Foreign Affairs happened to hand over a piece of paper that we discovered, when we subsequently had it translated, was essentially a list of UK brokers operating from Ukraine. Of course, Ukraine inherited a massive amount of former Soviet military equipment, and Ukraine itself is a major manufacturer and exporter of arms, so that list of UK brokers was of some interest. That matter is being examined.

My point is that the list seemed to be—how can I phrase this tactfully? It was not clear that our diplomatic representatives in Kiev were aware that such lists existed and were so easily accessible; I think that that is fair to say. That confirmed our view that if we are seriously to get a grip on international brokering of arms, it would be extremely helpful if there was a register of UK arms brokers, so that the UK knew which individuals and companies it was dealing with.

Mr. Mike Hancock (Portsmouth, South) (LD): Has the hon. Gentleman ever heard a conclusive argument against having a register of arms brokers, and is it not interesting that in Ukraine, members of the Rada were unaware that they had a register? I remember questioning them when the Defence Committee was in Ukraine, and they were unaware that there was a register in Ukraine. I have yet to hear a substantial argument that says that there are good reasons not to have a register. Administrative costs or the bother of administering a register cannot be the only reason.

Roger Berry: I do not know whether there is a register of Ukrainian arms exporters in Ukraine. All I know is that we were given a list of names of UK brokers who had been licensed to export from Ukraine. We were seeking reassurance. There was no criticism of Ukrainian foreign policy at all; that is a matter for Ukraine. We were seeking assurance that if those UK brokers were engaged in arms deals, they were in no way breaking UK law. That was the basis of our interest and that is why names are useful, because we can then check what those people are doing. I have not heard a powerful argument against a list of brokers other than the cost of setting it up and administering it, but the Minister may wish to say more on that later.

Jeremy Corbyn (Islington, North) (Lab): My hon. Friend is dealing with the issue of Ukraine, where there are vast numbers of arms left over from the Soviet Union. Was he confident that the Government of Ukraine had any accurate inventory of what arms existed in the country before brokers arrived there to buy and resell them?

Roger Berry: I emphasise that our purpose was not to examine Ukraine's policy in relation to its domestic affairs. Our concern was to discuss parliamentary scrutiny with fellow parliamentarians. However, in the case that I have identified, in which we knew—were advised—that UK brokers were licensed to export arms from Ukraine, our concern was to be reassured that those people were operating within UK legislation, and of course if they were not, action would need to be taken. I am afraid that I cannot answer my hon. Friend's question; I do not know the answer.

The issue that that point raises for the Government is that embassies and diplomatic posts should be actively engaged in examining what is happening with UK arms brokers operating overseas. I would like to ask the Minister a direct question. Subsequent to the event that I have described, or as a result of any other information, have discussions been held on the role that our embassies and diplomatic posts could play in obtaining the

co-operation of foreign Governments in helping the UK to police our brokers? We need to have that knowledge and information to ensure that UK brokers are operating within UK law.

Let me move on to re-exports. There are many ways in which individuals can circumvent arms export controls or try to do so. Clearly, one is to operate entirely out of the country. We need to address that problem, and increasingly we are doing that. Another issue arises if UK exports are sold to a country and then re-exported to another, third country that may be subject to an embargo in some form. I am thinking of exports to Burma or Guinea—Guinea is the most recent example that springs to mind.

The Committees have repeatedly made the point that it should be a standard requirement of licensing that export contracts for goods on the military list contain a clause to prevent re-export to a destination subject to either a UN or an EU embargo. The most important issue in relation to arms export controls is end use—where the weapons end up and who has the right to use them. The rest, in a sense, is peripheral. The ultimate end use of the weapons—how they are used—determines the outcome. Self-evidently, that is about stopping weapons getting into the hands of individuals who might use them for internal oppression or external aggression. As I said, it is the ultimate end use that matters. Therefore, it seems to us that if a licence is granted for an arms export to a particular country, it is very sensible to have a clear commitment that will prevent re-export to an embargoed destination.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I want to draw a link between two parts of the hon. Gentleman's speech that he has not linked. Is he aware of a report in *The Guardian*, the substance of which is that arms were exported from Ukraine to Guinea, which has an international embargo on it? I am not in any way suggesting that UK arms exporters were involved in that, but the importance of what the hon. Gentleman is saying about preventing arms from being re-exported to countries where an embargo is in place is surely re-emphasised by that story?

Roger Berry: The case of Guinea provides a powerful argument for an international arms trade treaty rather than its being a re-export issue. The press report alleges that one country exported to Guinea when it was under a regional arms embargo. A regional embargo on arms exports to Guinea was imposed in the last week or so, so that matter seems to provide the case for an international arms trade treaty and is not strictly a re-export issue.

Let me give an example of a re-export issue that came up the last time we debated this. Some years ago, the UK exported aircraft to India, and there were rumours in the press that India was then going to re-export them to Burma. As it happened, that did not occur. If the UK feels that it is wrong to grant an export licence for arms to Burma, which it clearly does, and it is the subject of an embargo—we do not export arms to Burma—presumably UK policy should be to try to prevent any re-export of arms to Burma from a third country. Therefore, the whole case for a re-export clause is precisely to be consistent about that.

The Government have previously rejected our recommendation on that matter for two reasons. The first relates to the difficulty of enforcement. There are always difficulties in enforcing laws. We spend a fair amount of time in this place passing legislation that, if we are frank about it, we know is not always enforced 100 per cent. Indeed, 50 per cent. or perhaps even 10 per cent. would be a success. Enforcing legislation, therefore, is always difficult. If there were a re-export clause in a licence agreement that said an applicant could not export to an embargoed destination, that would make it perfectly clear to the applicant and the recipient what the Government felt was appropriate.

At the end of the day, we may not be talking about going to court over the matter. If an applicant exports to country A with a re-export clause that says that country A shall not export to an embargoed destination, and country A goes ahead and does that, I assume that the British Government would say, "Don't anyone come rushing to us in the near future, saying can we please have a licence to country A, because you won't get it." So, the clause does not have to be enforced by going to court. It can be enforced by the simple message that, "If you breach this re-export commitment to which you have signed, then, sorry, no more arms export licences."

The second reason that the Government give for their unhappiness with the re-export clause relates to the risk assessment. It is the case that there is a risk assessment under which licences are considered. The argument is that the risk assessment is sufficient. So, when an applicant is exporting to a country, they always ask the question, "What is the risk that that country will re-export to an embargoed destination?" The answer will help to form their decision. The Government will argue, "If we had any fear that that might take place, we probably would not grant the licence." The truth of the matter is that risk assessments are sometimes inaccurate. We exported aircraft to India and it was rumoured—based on a fair amount of evidence—that there was serious consideration of India re-exporting to Burma. Our Committee genuinely does not see any disadvantage in having a re-export clause. In fact, it believes that there are major advantages in such a clause being introduced.

Several EU countries, namely France, Belgium, Germany, Italy, Spain and Sweden, use re-export controls to some degree. Will the Minister say when the Government will report back to the Committees on their assessment of whether the introduction of non-re-export clauses would enhance the effectiveness of the licensing process? I know that I mentioned a number of countries, but let me just pick on France. Will the Minister say how effective France's non-re-export clause provision is? We have a common code on arms exports in the European Union, but that does not mean that we all do the same thing; we do not. The code is interpreted differently by member states. None the less, there is a real issue that other countries in the EU have approached the matter differently, and I would be interested to hear from the Government why we have it right and they have it wrong.

Let me return to the issue of the international arms trade treaty. Light weapons worth some £27 million appeared in Guinea. The press said that they had possibly come from Ukraine. However, those arms arrived in Guinea despite the fact that an embargo had been imposed by the Economic Community of West African

[Roger Berry]

States: so, the region had imposed an arms embargo on Guinea. Clearly, individual countries or regions can adopt particular policies, but if it is possible, the arms brokers will find a way around them and continue their activities. Therefore, countries have to act individually, as we do, but acting collectively is much more effective. That was the ambition for an international arms trade treaty that was launched about a decade ago. The demand for such a treaty has been effectively supported by our Government.

As one would expect, we have argued that if we are to have a treaty, it should be comprehensive, enforceable and as strong as possible. I am pleased that the Government, in their response to our report, agreed with our conclusions and confirmed that they were working—as we know that they are—with partners in civil society and industry to build up support for an arms trade treaty.

During our last debate, I noted that in December 2008, a large majority of Governments—131—voted in favour of a UN General Assembly resolution that established an open-ended working group on the arms trade treaty. The only state to vote against the resolution at the time was the United States, with 19 countries abstaining. I understand that last week, states at the UN voted overwhelmingly in favour of negotiating a strong and robust ATT, with 153 in favour, 19 still abstaining and one voting against, which was Zimbabwe. As Members know, the United States under the new Administration is strongly in favour of an arms trade treaty.

Mike Gapes (Ilford, South) (Lab/Co-op): I should like to update my hon. Friend. Members of the Foreign Affairs Committee were at the United Nations last week, and we had discussions with a number of people. I will not reveal the conversations because they were confidential, but there was a level of optimism that progress is being made on the arms trade treaty. The Obama Administration's shift away from the approach of the Bush Administration is clearly an important part of that.

Roger Berry: I am grateful to the Chair of the Foreign Affairs Committee for his comments. Concern has been expressed—particularly by the non-governmental organisations—about the fact that decisions at the UN diplomatic conference in 2012 are to be taken on the basis of consensus. The concerns arise from the fact that the word consensus could be interpreted to mean the lowest common denominator—a unanimous decision that is not very effective. For example, is it an arms trade treaty that will be acceptable to Zimbabwe? If that were the case, that would not be a particularly effective treaty. Does the Minister share the concern of the NGOs on the scope of the ATT, and the risk that the term consensus might be interpreted in that particular way?

Our comments on arms exports to Israel and Sri Lanka were the part of the report that attracted the most media coverage. I am conscious that other colleagues wish to speak in the debate, and I know that they will want to touch on those matters. Suffice it to say that the basis of our concerns was that in certain circumstances, UK weapons might be exported to countries that use them to the great detriment of the civilian population. This is a general issue, but Israel and Sri Lanka are two recent examples.

Making a decision about whether to grant an arms export licence involves guessing about the future. In fairness, the process is more rigorous than the word "guess" suggests, but it involves making an estimate about the end use of the arms which, as I have said, is the only thing that matters. We are becoming increasingly concerned with events such as those in Gaza, Sri Lanka and elsewhere. We must ask whether we are being sufficiently robust and doing everything possible to ensure that licences are not granted if there is a significant risk that civilians might be affected—in the two cases I mentioned, large numbers of civilians were involved.

In conclusion, the Government have made progress over the years and we have acknowledged that. Nevertheless, some real concerns remain, and I look forward to the Minister's response to the specific questions that I have raised. If he feels that he will not have time to answer any of those questions this afternoon, we would be happy to receive his replies in writing.

3.1 pm

Sir John Stanley (Tonbridge and Malling) (Con): It is always a pleasure to follow the Chairman of the Committee on Arms Export Controls, the hon. Member for Kingswood (Roger Berry). He made an extremely pertinent contribution, and will be glad to know that he raised all the points that I was going to make. As always on such occasions, one is delighted to feed off the crumbs from the rich man's table.

I will start with one important matter that the hon. Gentleman did not touch on—the fact that in this Committee, which is responsible for scrutinising Government policy, we are dependent on obtaining timely sight of proposed secondary legislation, before that legislation comes into effect. As the House knows, a great deal of the legislative and policy framework for arms export controls lies in secondary legislation. Our concerns were made clear to the Government in paragraph 11 of our report:

> "We therefore repeat our recommendation that, in future, the Government should ensure that interested parties have at least two months to comment on drafts of secondary legislation implementing the Government's conclusions on the outcome of its Review of Export Controls."

I am disappointed in the Government's response to that critically important point. They have given us no assurance that they will meet our requirements for being able to view the draft secondary legislation at least two months ahead of its implementation. In a very weak way, they merely responded:

> "We will endeavour in future to give stakeholders as much time as is possible to provide views in the event of further changes to the controls."

I do not think that is good enough, and it does not enable the Committee to discharge its responsibilities.

The hon. Member for Kingswood referred to Ukraine. I shall not elaborate further on that issue, other than to say that it was a serious matter for the members of the four Select Committees, particularly the Foreign Affairs Committee. It is unfortunate if circumstances arise where a foreign country has a list of UK arms brokers who have been given licences, yet the UK post in that

country is unaware of the contents of the list. We have taken careful note of that matter in the Foreign Affairs Committee and the other Committees.

There is one further point that I want to pursue. We asked an important question of the Government when we obtained the list. We wanted to be satisfied that there had been no breach of UK legislation in terms of those exports from the Ukraine by UK brokers. Again, I am disappointed in the Government's reply. It is now six months after our visit, yet we still have no clear statement as to whether there has been a breach of UK export controls by those brokers. The Government say that they are investigating the matter but that the process is not yet complete. I would have expected the Government to come up with a clear answer to the Committee's important question on that matter.

I turn briefly to the issue of extraterritoriality, which the Chairman of the Committee dealt with extremely well. For years, the four Committees have been out in front in that policy area, with the Government coming rather ponderously behind. It seems to be a half-baked policy involving a situation where some items on the military list are subject to extraterritoriality, and some are not. Do we accept the principle that an individual arms broker or arms exporter should be able to get outside UK jurisdiction, make sales that would be criminal offences if made within the UK, and get away with those sales without committing a criminal offence in the UK? If that situation is not acceptable, it follows logically that it must be the same for all items on the military list. That is what the four Committees have been saying.

We are glad that the Government now have what we understand is an agreed proposal from the non-governmental organisations and the arms export companies. We noted that the Government were due to respond to those proposals by the end of October. We are now beyond that, and we look to the Government to produce their response to those proposals quickly.

There is an anomalous position on anti-vehicle land mines. I applaud the current Government for getting in front of most of the rest of the world as far as anti-personnel land mines are concerned—that is absolutely to their credit. However, having got in front on that issue, why do we lag behind on anti-vehicle land mines? I do not understand why the Government have difficulty in extending category B trade controls to this classification of weapons. The extension to category B is not only sought by the Committee, it is sought by NGOs and by the industry. Arms exporters have no difficulty with the extension of category B to anti-vehicle land mines. I am puzzled as to why the Government reply, rather lamely:

> "The Government will look again at whether anti-vehicle land mines should be placed into Category B of the trade controls."

I also want to look at the important issue of controls over weapons in transit. The Foreign Affairs Committee is familiar with that issue, and it was a significant feature of our inquiry into arms exports to Sierra Leone. We asked the Government a very specific question: how often had they seized goods in transit under the powers that existed then? I have read their reply carefully, but as far as I can see, they have totally ducked our very specific question; perhaps the Minister can tell us why they have been silent.

On the register of arms brokers, I fully endorse what the hon. Member for Kingswood said. Again, it is rather strange that the Government are unable to meet the Committees' recommendations. Ministers have effectively conceded the case for an international register of UK arms brokers. In paragraph 48 of our report, we quote the then Minister of State at the former Department for Business, Enterprise and Regulatory Reform, the right hon. Member for Croydon, North (Malcolm Wicks), who told us that his Department was

> "not opposed to the idea of a register of arms brokers in principle".

In their response to our report, the Government make the same point, so we all agree in principle, but Ministers do not seem to want to jump the fence. The Government response includes comments such as

> "The Government will be happy to look at this issue again once we have assessed the effectiveness of other initiatives...It is right that the Government takes the time to properly assess the effect of these new initiatives"

and so on. Given that the Government have accepted that a register would be desirable, why is it taking so long to agree that one as a matter of policy?

I simply do not understand the problem that is being erected on the grounds that a register would apparently impose a burden on legitimate businesses. If there was a register of approved UK brokers, it would actually lessen that burden because brokers making successive applications would not have to have them dealt with from scratch every time that they submitted them, because those brokers would be on the approved register. That would actually reduce the burden on legitimate businesses, rather than increase it, as the Government have suggested.

I am in no doubt that re-export clauses are very desirable, and if I were in the Minister's shoes, I would seize such a policy with both hands. Under the present system, a Minister takes a risk in relying on the fact that officials have got the risk assessment right and that a particular item will not be re-exported. If that judgment is wrong—and anybody can make a wrong judgment—it is the Minister who has to face the music. If there is a re-export clause in the contract, however, they can reasonably tell the House, "I've done everything I possibly can to prevent re-export. I put a re-export clause in the contract. Now I can litigate against the company in question." When he is in his bath, the Minister might like to reflect on which policy would suit him best.

On end-use undertakings, I found the Government's response incredibly laid-back in one respect. In the course of our inquiry, the Committees exposed a fundamental factual error in internal Ministry of Defence guidance. In response to paragraph 73 of our report, the Government said that the original internal Ministry of Defence guidance

> "inadvertently included advice to Project Teams which suggested that end-user undertakings were not required between EU Member States."

If internally incorrect guidance is going around a Department that deals with licensing exports from this country, I should have thought that the first thing that people would want to do would be to correct that guidance at a rate of knots. In their reply, however, the Government simply say that they will make an amendment

> "pending the updating of the entire section on international business",

[Sir John Stanley]

which will no doubt take several months, if not longer. Perhaps the Minister can explain why the Government are so relaxed and laid-back about correcting this serious error, which is running around in internal Ministry of Defence guidance.

I have one last point on controls, although the Minister will be relieved to hear that I am now coming to a "sunlit uplands" section of my speech, in which I can say that we are on all fours with the Government. On dual use, the Committees recommended that the Government carry out independent research into how effective the controls are. As we all know, this is a serious issue, which brings us to potential chemical and biological nasties, so it is important that we have some independent assessment of how effective our controls are. The Government accepted our recommendation and commissioned a study, which they told us was carried out earlier this year, but the Committees are anxious to see the results. I do not know why the Government have simply responded by saying:

"The results of this study will be reported to the Committees and made public in due course."

Why does it have to be "in due course"? This important study was carried out earlier this year, and one would have hoped that the results could have been made available to the Committees immediately.

Mr. Hancock: The right hon. Gentleman might be interested to know that one of the phrases that continuously comes up in the response is, "We will look at it again." Perhaps the phrase "in due course" takes us a little nearer to getting something done than does the phrase "We will look at it again." We might be getting closer to the event.

Sir John Stanley: I agree with the hon. Gentleman. We are on all fours with the Government on this issue, in so far as we asked for an independent study to be carried out, our recommendation was accepted and the study was carried out. Rather tantalisingly, however, and for reasons best known to them, the Government will release the study only "in due course", whatever that means. Perhaps the Minister will cheer us all up by saying that the study will be in the Vote Office by the end of the debate—I say that as a hint to the civil servants sitting behind him.

On the arms trade treaty, the hugely important and wonderful news is that the new American Administration have carried out a 180° U-turn on the previous Administration's policy. For my money, the single worst vote that the American Administration have cast since the foundation of the United Nations was the lone vote that the last Bush Administration cast against the rest of the world on the arms trade treaty. Happily, that is now merely history, and as the Chairman of the Foreign Affairs Committee, the hon. Member for Ilford, South (Mike Gapes), said, we were enormously encouraged by the total change of atmosphere and policy direction when we were in Washington last week. We had an extremely valuable meeting with Mrs. Ellen Tauscher, who is the new Under-Secretary responsible for arms control in the State Department.

On the arms trade treaty, too, I commend the Government, because they have been right out in front of pretty well every other country. As they go forward, however, there will inevitably be a tension between maximising support for the eventual treaty and minimising the watering down that will have to take place to get the treaty agreed by the largest possible number of states. At present, we are in the foothills at the start of the negotiations, and all that I would say to the Minister is that although I am sure that the Government and all our expert people in the various Departments will do their utmost to achieve the maximum support, let us please have the minimum possible watering down.

I want now to discuss one or two countries, starting with China. I am delighted that the Government are taking a firm line on maintaining the arms export embargo on China. China's human rights record remains appalling. It is not every day of the week that I rush to applaud the Secretary of State for Business, Innovation and Skills, but I am delighted to do so on this occasion and heartily agree with his recent statement:

"I think it's reasonable for us in Europe, if we are going to make a move on the arms embargo, that we see clear steps forward in individual and political rights and freedom of expression in China, which sparked our concern in the first place."

Well said, Secretary of State: I could not agree more strongly.

My only minor quibble with the Government's policy on arms exports to China arises with the coverage given to the Chinese expedition to the recent arms trade fair in London this September, which was billed as the largest defence fair in the world. More than 40 countries were represented there, with 1,300 exhibitors selling everything from machine guns, bullets and tanks to medical equipment. I noted that, at the invitation of UK Trade and Investment, there was a Chinese delegation, comprising nine members of the military, at that four-day event. The UKTI spokesman, whom I should not dream of naming, because he is a civil servant, and I should not want to cause him any embarrassment—he was only doing his job for the Government—said of the delegation that they would not be meeting any of the major defence contractors and would focus instead on humanitarian and disaster relief equipment. The spectacle of those nine carefully hand-picked top military people in the Chinese delegation wandering around the arms fair for four days, carefully averting their eyes from anything among the 1,300 exhibits other than humanitarian and disaster relief equipment, stretched my credulity somewhat. Leaving that aside, the policy is excellent.

I am very glad that we are taking strong steps to impose an arms embargo on the dismal new military regime that has sadly now installed itself in Guinea, under army Captain Camara. I have one question for the Minister. As he knows, there was a peaceful demonstration in Conakry, in which some 150 peaceful demonstrators were killed, and dozens of women were gang raped by the so-called presidential guard. I read Amnesty International's report, which said that armoured personnel carriers manufactured by a South African subsidiary of Alvis, a British company, but now a subsidiary of BAE systems, were involved in that terrible humanitarian crime. I should be grateful to know whether the Minister confirms that that equipment was present there.

I want to deal quickly with Israel and Iran. I welcome the recent written statement by the Exchequer Secretary to the Treasury, in which she used the provisions of the Counter-Terrorism Act 2008 to stop UK financial services contacts with the Iranian bank Mellat and the Islamic

Republic of Iran Shipping Lines. As she said, that was done because both those entities have been involved in transporting goods for Iran's ballistic missiles and nuclear programmes. That Government initiative is excellent and absolutely justified, but taking the initiative in arms control is no good if we take it entirely by ourselves: what steps are the Government taking to make certain that similar measures will be taken by the other EU member states, the United States—if it has not done so already—and other possible major users of ships, such as the Japanese and Koreans, who might make ships available to Iran for the shipments? That is something we do not want them to do.

I welcome the revocation by the Government of five export licences for the Israeli navy Saar 4.5 corvettes. The grounds for doing so were set out in the letter of 22 July from the Minister of State, Foreign and Commonwealth Office, the hon. Member for Bury, South (Mr. Lewis), to the Chairman of the Committees on Arms Exports Controls. He explained that if it had been known that they were to be used for coastal bombardment purposes, those licences would not have been granted under criteria 2 or 3. Before I make my policy point to the Minister, it is worth explaining criteria 2 and 3, as stated by the Foreign Secretary in his written statement of 21 April. Criterion 2 states that

"we will not issue an export licence where there is a clear risk that the export might be used for internal repression"

and criterion 3 states that

"we will not issue licences for exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination".—[*Official Report*, 21 April 2009; Vol. 491, c. 89W.]

The Minister of State's letter of 22 July to the Chairman of the four Committees states that there are in fact a total of 182 licences for Israel. The Government have revoked five, so presumably there are 177 outstanding. My question to the Minister is whether he and the Government are satisfied that each and every one of the remaining 177 licences is valid and in compliance with both criteria 2 and 3 under the EU agreed consolidated criteria.

Jeremy Corbyn: In considering arms sales to Israel, did any of the Committees consider the question of nuclear technology, which has been exported to Israel for many years, from countries that are signatories to the non-proliferation treaty and are therefore bound by it not to export technology to non-signatory states?

Sir John Stanley: I do not think that we have considered that specific issue in the four Committees, because we are charged with addressing policy on exports from the UK, and the British Government's policy, but the hon. Gentleman makes a perfectly valid point, and it is incumbent on all signatories of the NPT to comply with its provisions in all respects. I am sure that any evidence he has to the contrary will be put before the forthcoming NPT review conference.

I want quickly to make some remarks about Libya. Its regime is the same today as it was at the time of Lockerbie; it is the regime that murdered, in cold blood, WPC Yvonne Fletcher, who was shot from the window of the Libyan embassy in St. James's square in London. It is the same regime that launched the Ekuund, which was arrested by the French customs authorities in French territorial waters, with 200 tonnes of arms and explosives. It was not the first such shipment, and there are today bereaved families in Northern Ireland and on the UK mainland who have lost loved ones as a result of Libyan explosives and weapons brought into this country. In those circumstances, the issue is one of profound sensitivity. I am yet to be persuaded that we should engage in arms exports with Libya. In response to my question, the Minister of State at the Foreign and Commonwealth Office said:

"All arms exports to Libya are assessed on a case by case basis against the Consolidated EU and National Arms Export Licensing Criteria. We take into account fully the prevailing circumstances in Libya, particularly in respect of the human rights situation in that country, in making these assessments."—[*Official Report*, 2 November 2009; Vol. 498, c. 660W.]

The question that I want to put to the Minister today is: will he assure the House that in the case-by-case consideration of the arms exports to Libya the Government have not and will not use arms export permissions as a sweetener for wider commercial dealings between the UK and Libya? That is my question and I would like the Minister to answer.

The human rights situation in Sri Lanka is still very serious and, indeed, deteriorating; there is not only the issue of displaced Tamils but the extremely worrying reports of the Sri Lankan Government's increased use of semi-dictatorial powers, including the ruthless suppression of free media. The UK Government need to look carefully at whether there should be future arms sales to Sri Lanka.

This will be the last report by our four Committees that can be debated in this Parliament. It is for the House as a whole to judge whether we have served it well. If the House concludes that we have done our job properly and effectively, I suggest that that is in no small measure due to the quality of the chairmanship of the hon. Member for Kingswood. The hon. Gentleman has shown, throughout this Parliament, enormous diligence and thoroughness. He has been always inclusive, very patient with us and unfailingly courteous. His chairmanship of the Committee has been exemplary.

3.32 pm

Mike Gapes (Ilford, South) (Lab/Co-op): It is a pleasure to follow the right hon. Member for Tonbridge and Malling (Sir John Stanley). May I begin by endorsing his remarks, with which I completely concur, about my hon. Friend the Member for Kingswood (Roger Berry) and his work as Chairman of the Committee in this Parliament?

I want to concentrate on only one area of the report and the Government response. I do so because over many years it has received insufficient attention in debates in this country. It is the situation in Sri Lanka. Recently, at the culmination of the 20-year military conflict between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam, otherwise known as the Tamil Tigers, we saw huge demonstrations in the centre of London and diaspora communities all over the world. I declare an interest; large numbers of my constituents are of Sri Lankan Tamil origin and have families in that part of the world.

Given that some representatives of organisations that support the Sri Lankan Government label anybody who raises concerns about Sri Lanka as some kind of mouthpiece for the Tamil Tigers, I want to make it clear

[Mike Gapes]

that what I say today is based on my total opposition to terrorism, to the assassination of political leaders, to blowing up buses and to killing children. That is my position whether those acts are carried out by the Tamil Tigers, the Irish Republican Army, Hamas or Hezbollah. That is my view generally around the world. Therefore, I will not take kindly to any criticism after I have made this speech from people who label those who raise such concerns.

Having said that, it is important to say that the report must be put in the context of other reports. I refer to the Foreign Affairs Committee's human rights annual report, which was published recently and had a section on Sri Lanka, to which there was also a Government response. With your permission, Mr. Pope, I intend to refer to both reports.

The Committees on Arms Export Controls concluded that it was appropriate for the Government to continue to assess licences to Sri Lanka on a case-by-case basis. However, after reviewing the evidence and looking at the fact that there seem to have been significant arms sales to Sri Lanka for a large number of years, we recommended a review of all extant licences to Sri Lanka. We called on the Government to give our Committees an assessment of the UK-supplied weapons, ammunition, parts and components used in the conflict either by the Sri Lankan armed forces or by the Tamil Tigers.

We received a response in two forms. The Government response to paragraph 126 of our report said:

> "We note the Committees' conclusion...and welcome this endorsement of our approach"—

the case-by-case policy. On the review of exports, the Government response is interesting; it simply refers us to a letter from the Minister of State at the Foreign and Commonwealth Office that refers to the FCO review. If we look closely at that letter, we see that it does not answer the question. It simply says that the Government have revoked

> "a number of extant export licences in the light of changed circumstances—including replacement components for military helicopters and telecoms equipment."

It does not say that military helicopters or their components supplied by the UK were or were not used in that conflict by the Sri Lankan armed forces. It does not say that telecoms equipment or its components supplied by the UK were or were not used. It is silent on those questions. Will the Minister say clearly whether UK-supplied helicopters, or their components, or telecoms equipment, or its components, were used by the Sri Lankan armed forces in the conflict with the Tamil Tigers?

The same letter refers to press coverage that appeared over the summer. It goes into some detail to explain why licences that had been approved in September 2006 for armoured vehicles and machine gun components, and in February 2006 for semi-automatic pistols, had not been revoked. According to the Government assessment, that equipment appears not to have played any role or any significant role—it is not absolutely clear—in the conflict. If the Government can make an explicit assessment for items that they are not revoking, why can they not explicitly tell us their reasons for revoking licences for other items? We need an answer to that question.

The conflict in Sri Lanka ended nearly six months ago, but for an estimated 280,000 people the conflict is not over. In the light of that, should we still be providing military assistance of any kind to the Government of Sri Lanka? Why are we doing so?

The Foreign Affairs Committee human rights report concluded that the Government were correct, in their response to our report, to include Sri Lanka in next year's report as a "country of concern". That is notwithstanding the regrettable United Nations human rights council vote in May, when it chose not to consider the situation in Sri Lanka—a disgraceful decision. The Government were on the side of the good guys, but unfortunately countries such as China, India, Egypt and others voted by a clear majority not to refer Sri Lanka for consideration on the basis of the human rights situation there, saying that it was an internal matter for Sri Lanka. That is a damaging indication that the UN system, and the new UN human rights council, is not fulfilling aspirations that were set when the council replaced the discredited UN human rights commission a few years ago.

Mr. Hancock: What the hon. Gentleman says has serious implications for the Government. He is in the privileged position of being Chairman of the Foreign Affairs Committee and a member of the quartet of Committees. Is he saying that he has had evidence that the Government have given military assistance or allowed military equipment to be passed on to the Sri Lankan authorities? Is training for Sri Lankan military advisers being given in this country, or are UK military advisers acting in that country? His demanding an answer from the Minister leads me to believe that the hon. Gentleman would not have asked the question if he did not know the answer, and from the way that he phrased the question, the answer must be that there had been a situation in which that had happened.

Mike Gapes: I refer the hon. Gentleman to the report. An annexe sets out information sent by the organisation Saferworld, which listed arms exports year by year from the UK to Sri Lanka. We were told by the then Foreign Office Minister, now the Minister of State, Ministry of Defence, my hon. Friend the Member for Harlow (Bill Rammell), that there had been a pause in those exports as a result of the conflict. However, that pause came later—in 2008, not 2006. The issue raised when questioning the Minister, which is reflected in the report, is that the ceasefire established in 2002 was always tentative, breaking down and being significantly eroded; yet in most years from 2002 onwards the Government continued to allow exports of a whole range of weaponry to the Sri Lankan armed forces, including small arms, naval components, helicopter components and so on.

We might make an assessment today that the situation in a particular country is relatively safe with regard to the export of armaments; but within one, two or three years, or perhaps 10 years, those same weapons could be used by the same Government or a successor Government for repression or in an internal conflict, which would be contrary to the intention of the Government's original decision. We must therefore be rigorous. When the Foreign Affairs Committee was discussing the matter with the Foreign Office Minister, I pointed out that we had much tougher rules with regard

to Israel on such matters than we do for Sri Lanka, yet many more people died in the conflict in Sri Lanka than were killed in Gaza.

According to the Government's October response to the Foreign Affairs Committee human rights report, more than 200,000 internally displaced persons are still being held in IDP camps in northern Sri Lanka. The Sri Lankan Government do not agree with that figure. In a communication dated yesterday—presumably sent in expectation of today's debate—the Sri Lankan Government claim that the number of people remaining in the IDP camps is much lower. They claim that there are 164,338, of whom 151,000 are in what they call zones 0 to 11 and welfare centres, 7,255 in transitional sites and 247 in what they call an elder home, giving a total of 158,990. The others, presumably, are somewhere else.

The Under-Secretary of State for International Development, my hon. Friend the Member for Worcester (Mr. Foster), has recently been in Sri Lanka, and has been pressing for the early release of those people. There is no prospect of their being returned to their homes soon; the situation is bleak, given the water supply, the overcrowding and the climate. That is partly because some of those areas have been mined, but also because the Sri Lankan Government seem determined to keep young men and women in screening centres and in detention.

Jeremy Corbyn: Does my hon. Friend share my concern that the excessive detention of large numbers of Tamil people, particularly the non-release of young men, suggests an attempt at the repopulation of areas of Sri Lanka to prevent the continuing concentration of Tamil people in the north and east? That is a gross violation of the rights of those people, who in effect are being imprisoned by the regime in Sri Lanka.

Mr. Greg Pope (in the Chair): Order. Before the hon. Member for Ilford, South continues, may I gently point him back to arms exports to Sri Lanka rather than the general human rights situation there?

Mike Gapes: I do not have any direct evidence to confirm or deny what my hon. Friend the Member for Islington, North says, but it is a matter that the Foreign Office and other Departments should take up.

If, as the Government say, there is a culture of impunity in Sri Lanka, and if, as they say, there are serious human rights concerns, is it not appropriate that we should take a much more rigorous approach on future arms sales to the Sri Lankan regime? Until we are given absolute assurances about the human rights position—I almost said cast iron assurances, but that is not the right phrase to use this week—we need to be sure about the early release of all those in the IDP camps who are able to return to their homes. There should also be a policy of national reconciliation, under which the Tamil people in Sri Lanka are treated in a way that minimises the possibility of future conflict in that country.

I will take your advice, Mr. Pope, and not stray further into that subject, but I believe that Sri Lanka highlights a wider issue of British Government policy on arms exports. A country that has a democratic Government but also internal conflict, and where civil war has been ongoing for more than two decades, must necessarily be treated differently from other countries in the region or the rest of the world.

I will conclude, because I am conscious that other Members wish to contribute and will no doubt comment on other aspects of the report. It has been a pleasure to serve on the Committees on Arms Export Controls and their previous incarnation, the Quadripartite Committee, on which I served as a Member of the Select Committee on Defence. The co-operation between the four Select Committees shows the House of Commons at its best. By working together, we also learn a great deal about how government is not always joined up. It is clear that some Departments are more co-operative with their Select Committees than others and that there are sometimes delays in receiving documentation because it is caught up in the chain between one private office and another. We have also revealed over the years that tone and approach sometimes vary when questioning different Ministers from different Departments.

My message is that just as our Select Committees need to be more joined up when we work thematically, because hunting in packs might be more effective than doing so individually—hopefully, the Liaison Committee will consider that—I hope that the Government will also recognise that they should expedite their response to Committees of the House on cross-departmental issues to improve the effective scrutiny of Government policy.

3.52 pm

Richard Burden (Birmingham, Northfield) (Lab): I, too, welcome this debate and endorse the report that we are discussing. I will focus on one issue, but before I mention that, I want to put on record my endorsement of what my hon. Friend the Member for Kingswood (Roger Berry) said and the themes of his speech. He made important points about extraterritoriality, re-export, brokers and the need for a register of UK brokers. One of his most telling points involved the question of end use. He rightly said that unless we get end use right, the rest is all a bit irrelevant, because where arms end up being used is where people die. That is what we must focus on. He was absolutely right to pay tribute to the Government and their work on the need for an arms trade treaty, but he was also right to say that there is more work to be done to bring good intentions into practice.

I agree with what my hon. Friend the Member for Ilford, South (Mike Gapes)—the Chair of the Foreign Affairs Committee—said about Sri Lanka, and about the role of the Committees and Departments. I certainly agree with what he said in his tribute to the Chair of the Committees on Arms Export Controls.

When the right hon. Member for Tonbridge and Malling (Sir John Stanley) began his speech by saying that the Chair of the Committees had said everything that he wanted to say, my heart sank a bit, because it is always great to hear from the right hon. Gentleman. However, although the Chair's speech was well targeted and pertinent, he did not say everything that the right hon. Gentleman wanted to say. We are fortunate to have him on the Committees, with his forensic questioning of Ministers and others who come before us and his ability to get to the point of many issues. He showed those

[Richard Burden]

qualities again today, although I started to worry whether we would get too much information when he began to give my hon. Friend the Minister advice about what he should be doing in his bath. I hope that, in our next evidence session, the right hon. Gentleman does not get involved in forensic questioning on that subject, as it might lead us into rather dangerous territory.

I shall focus on the question of exports to Israel, particularly in the light of the conflict in Gaza. It is an issue on which I might be in danger of being typecast. I should declare an interest as the chair of the all-party parliamentary group on Palestine and as a member of the Select Committee on International Development, which has discussed arms exports to Israel not only with the Committees on Arms Export Controls, and in work with other Committees, but in our own reports and inquiries. The humanitarian position facing the peoples of the occupied territories has been an important part of our work over the past few years.

It is not surprising—indeed, it is right—that we should spend some time today considering that issue. Apart from anything else, it is topical. We are debating it in the context of the report at the same time that the United Nations General Assembly is debating the report prepared by Judge Richard Goldstone on the allegations of war crimes committed during the conflict in Gaza earlier this year. The conclusion of his inquiry is that there is evidence that war crimes were committed in Gaza by Hamas as well as Israel.

That means a lot to me, as I led a delegation to Gaza and southern Israel this February to see the aftermath of Operation Cast Lead. We were one of the first international parliamentary delegations to the area after the conflict, and certainly the first UK parliamentary delegation. Nobody could have participated in that visit and seen what we saw—the destruction of homes and the aftermath of that conflict—without feeling a powerful moral responsibility to bear witness, when they returned, to what they had seen and, perhaps most importantly, to try to do something about it, in terms of both accountability and ensuring that such a thing never happens again.

About 1,400 Palestinians died, many of them civilians, in the course of Operation Cast Lead. During that period, 13 Israelis also died, three of them civilians. We owe it to all of them to ensure that we do what we can. It is not simply a historical matter of what happened in December 2008 and January 2009. Those events were preceded by an ongoing blockade of Gaza and continuing occupation of the west bank. Israel would also argue that they were preceded by rocket attacks on Sderot and other towns in southern Israel.

Since the events of December 2008 and January 2009, the blockade has continued, as has the violence. To illustrate how important it is that we do the right thing in relation to arms export controls, I draw the Minister's attention to the latest report from the United Nations Office for the Co-ordination of Humanitarian Affairs in the occupied territories. The report says that in the past week,

"Israeli forces have continued to prohibit Palestinian access to agricultural land along the border fence and to fishing areas within three nautical miles from the sea, through firing warning shots in the direction of farmers and fishermen. During the reporting period, Israeli forces opened fire against Palestinian fishermen and farmers on at least three occasions. In addition, in three separate incidents, Israeli forces entered with tanks and bulldozers a few hundred metres into the border areas and conducted levelling operations."

That is the latest weekly report from the UN. There is a tendency to say that conflict in Gaza ended in January 2009, but it is still going on.

Jeremy Corbyn: I compliment my hon. Friend on the work he has done to bring about justice for the Palestinian people. Following the point made by the right hon. Member for Tonbridge and Malling (Sir John Stanley), is my hon. Friend aware that the substantial Saferworld memorandum to the Committee pointed out that concerns have been expressed about arms exports to Israel for the past five or six years? The issue relates not just to the recent conflict in Gaza, but to the many Palestinian deaths during the occupation and the second intifada while we were still exporting arms and equipment—particularly naval equipment—to Israel.

Richard Burden: My hon. Friend is right. It would be trying your patience, Mr. Pope, and going beyond the remit of this debate if we spent too long discussing what has gone on for many years. The Committees on Arms Export Controls raised concerns before Operation Cast Lead, and the predecessor Committee, the Quadripartite Committee, has raised concerns about UK policy and practice on arms exports to Israel. Concerns have certainly been raised since 2000, but they probably go back long before that.

I referred to a UN report dating from last week—21 to 27 October—and quoted only a small piece from it, relating to fishermen off Gaza. It also mentions an increase in injuries in occupied East Jerusalem, the demolition of houses in East Jerusalem, violence by settlers in the west bank, demolition orders in the west bank, and children in Bethlehem being affected by water-borne parasites. There is also good news about opening a road to Palestinian use. Another item is about the fears of John Ging, the UN Relief and Works Agency co-ordinator for Gaza, that although we are heading for winter, essential supplies and equipment are still not getting into Gaza. He has called for an immediate opening of all Gaza border crossings before winter.

It is important to consider such matters in the light of arms exports. The Committees and I welcomed the Foreign Secretary's statement on 21 March, which laid out how Britain was approaching its policies on arms exports to Israel, particularly in the light of Operation Cast Lead. The evidence that the Committee received from Ministers in this year's evidence sessions has been helpful and illuminating, but concerns remain. As my hon. Friend the Member for Islington, North (Jeremy Corbyn) said, we have had those concerns for some time. In various forums we have questioned how head-up display units produced in the UK were allowed to be exported to the USA, re-exported to Israel and used in F-16s that attacked civilian targets. We would not have exported that equipment to Israel directly if there was a risk that it would be used in that way. We allowed that situation to develop, despite warnings and a knowledge of the risks. As has been mentioned, we also allowed the export of naval equipment for the Saar corvette.

I welcome the reviews of extant export licences to Israel. Five of the 182 export licences were revoked in

the light of the situation in Gaza. As the right hon. Member for Tonbridge and Malling said, that was explained in the letter from the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Bury, South (Mr. Lewis), to the Committee, dated 22 July. There are still issues that we have to address. My worry is that we will keep going around in circles.

Some years ago, Britain exported equipment for armoured personnel carriers to Israel. It was exported on the understanding that it would not be used in contravention of criteria 2 and 3 of the arms export licensing criteria and so would not be used for internal repression or external aggression. It was pretty well proved that the armoured personnel carriers were used for those purposes against the Palestinians. To his credit, the then Foreign Secretary picked up on that and criticised Israel. He said that future assurances from Israel that exports would not be used for internal repression or external aggression would not be sufficient, and that Britain would look more closely at the situation and require evidence before granting further licences.

I thought about that incident when I read the Foreign Office Minister's letter of 22 July. It gave the good news that a number of licences had been revoked because of Britain's concerns. The penultimate paragraph stated:

"I would like to take this opportunity to reassure the Committees that we continue to rigorously apply the licensing criteria, and it was on this basis that we revoked the licences. There is no embargo in place against Israel, and all decisions continue to be taken in line with announced government policy. But clearly, the decision to revoke the five licences in question will also influence our thinking when assessing future licence applications."

I am pleased that this will influence our thinking when considering future licence applications. However, with the background of the armoured personnel carriers, Israel's reaction to two intifadas, the years of ongoing military activity against Palestinians and the blockade of Gaza, how did we get into the position of having to revoke extant licences if we were always rigorously assessing the risks? As my hon. Friend the Member for Ilford, South, said in relation to Sri Lanka, why have we not been assessing the risks?

In areas of conflict where war has been going on for years, we are obliged not only to assess things on a case-by-case basis, but to ensure that we do not fan the flames any more and do not allow military equipment produced in the UK to get there, whether directly or indirectly. We do not allow that on the other side; I do not hear anybody saying that if Palestinians are under attack from an Israeli tank, they have to defend themselves. Nobody is saying that if Palestinians want to secure arms from the UK or elsewhere, we should consider on a case-by-case basis whether they will be used for internal repression or external aggression. That is because it is said, with some justification, that to supply arms to the Palestinians would be fanning the flames. Yet we still adopt a different view when it comes to Israel.

It is interesting that the Government's response to our report states:

"The Government notes the Committee's conclusions that a case-by-case basis is the correct approach when assessing the granting of export licences"

to Israel. It is absolutely true that the paragraph about Israel in our report states that we agree with a case-by-case approach. However, all sorts of other things in that paragraph ask the Government to be rigorous in how they do such things, and we ask them to try to ensure that we do not get ourselves into that position again.

When the Minister sums up, I ask him not simply to tell us that reviews are going on, although that is good and I welcome it; not simply to record the fact that five out of 182 licences have been revoked, although I also welcome that; and not simply to give an undertaking that the comments made by the right hon. Member for Tonbridge and Malling will be taken on board. I hope he will do that, but not simply that. What about the 177 licences that have not been revoked?

I hope that the Minister will be able to reassure us about how the Government will assess the ongoing risk of any arms exports to Israel being used for internal repression or external aggression. What risk assessment is being done on that? What criteria do the Government bring to bear in making that risk assessment, and what confidence does he have that, in a few years' time, we will not be having a debate such as this and recalling that while there was a question about armoured personnel carriers, from which we learned some lessons, the same thing happened again with head-up displays for F-16s and Saar corvettes? What confidence can we have that next time we have such a debate we will say that the decisions we took meant that we did not get into such a position again? We must not end up shutting the stable door after the horse has bolted.

4.12 pm

Jeremy Corbyn (Islington, North) (Lab): I welcome this debate. The issue was ignored for many years and we should give credit to Parliament for, in the past 10 years or so, developing the Quadripartite Committee's parliamentary examination of exports and having proper debates on the subject once a year. That is to be welcomed and shows that pressure from the people concerned about the effects of arms exports and the long-term economic issues that accompany them are being taken seriously. I welcome the Committee's report and the huge amount of detailed work that has gone into it.

In view of the news that has just come out of Guinea concerning the release of somebody who was involved in a coup there and the issue of human rights abuses, one has to start asking very serious questions about what at first sight might appear to be fairly low levels of arms exports of often quite low-technology equipment that can become lethal further down the line. I know this is not the subject of the debate, but I ask for there to be a serious examination of the whole philosophy behind promoting, developing and encouraging arms exports, and the development of an arms-based industry in this country.

Indeed, if we are concerned about abuses of human rights, loss of life, illegal wars and the rest of it, we need to recognise that somewhere along the line somebody has bought those weapons and that a great deal of money has been made from their manufacture. It is not good enough just to say that we are concerned about human rights around the world if we do not do something about controlling or reducing the number of arms that get into the hands of people who would do wrong to others.

[Jeremy Corbyn]

We also need to consider the philosophy behind the development of that industry. There was a time when my party proudly seriously discussed an arms conversion strategy. One does not hear such words often these days, but I have a feeling they will be coming back. As more and more people view with horror the outcomes of Gaza, Iraq, Afghanistan, the Congo, Colombia, Guinea and so many other places, they might begin to think more about these issues.

My hon. Friend the Member for Kingswood (Roger Berry) outlined the report's specific recommendations, which I absolutely welcome: the extra territorial controls, the absolute necessity of register of arms brokers—such people make phenomenal sums of money in trading weaponry from one dodgy source to another, which ends up killing an awful lot of innocent people and causing mayhem and misery for many others—and the attempt at the non-re-export of weapons. Indeed, my hon. Friend the Member for Birmingham, Northfield (Richard Burden) talked about what is actually a fairly minor part of the whole picture. The head-up display systems that were re-exported through the United States to Israel are just one example of that particular problem. I thank him for drawing our attention to that.

There are many recommendations in the report, but I particularly want to draw attention to the concerns about anti-corruption elements and an anti-corruption strategy. This country prides itself on being firm on corruption and on dealing with any public officials or politicians who are involved with corrupt activities. It is absolutely right that we do so, and we have signed up to the OECD's and many other guidelines on anti-corruption activities. However, our moral status in the world is seriously damaged by the decision of the former Prime Minister to halt the Serious Fraud Office's investigation into the al-Yamamah arms deal and the huge amount of money that that involved for BAE Systems and other companies. That deal has reduced our ability to talk learnedly about the subject.

I draw hon. Members' attention to the Saferworld memorandum that has helpfully been reprinted in the report. The memorandum outlines Saferworld's serious concerns about human rights abuses in Saudi Arabia. Although I welcome the ban on arms exports to China because of its behaviour in Tibet—I would welcome such a ban in a number of other places—it seems that we have a blind eye when it comes to Saudi Arabia, because it has vast amounts of oil and it has bought vast numbers of planes from BAE Systems. We cannot have it both ways all the time, as that would be too simple and convenient. We must be prepared to face up to that.

The other points I briefly want to make concern a number of the countries that have been mentioned. I endorse the good points that my hon. Friend the Member for Ilford, South (Mike Gapes) made about Sri Lanka and the current treatment of the Tamil people. Although we might not now be exporting arms to Sri Lanka—I hope that we are not—the reality is that the ill treatment of the Tamil people and the method of conduct of the war in Sri Lanka are not new. The abuses of human rights there are not new; they are just more intense at the present time and subject to much more international scrutiny. I hope that the Minister will be able to address the point that if countries are undertaking some kind of internal conflict—civil war—we must ask ourselves why we are exporting arms to them. I recall meeting the late Robin Cook when he was Foreign Secretary to discuss arms exports to Indonesia at that time, because we had concerns about what was happening in East Timor—and for that matter in Aceh and other parts of the country. There are concerns that have to be recorded.

My hon. Friend the Member for Birmingham, Northfield spoke passionately and quite correctly about the situation in Israel. I repeat what I said in an intervention on him: concerns about the treatment of the Palestinian people are not in any sense new. That country has become the world's fourth-largest arms exporter, never mind a substantial importer as well, so, although we are not necessarily directly into re-export, we are certainly into the re-export of technology and the import of technology by Israel. I think we should consider having a complete embargo on all arms trade of any sort with Israel while it continues the policy of illegal settlements in the west bank and the imprisonment of the people of Gaza, and while it flouts the rest of the world's international law on the development of nuclear weapons. I say that even though it is not a signatory to the nuclear non-proliferation treaty. I wish it were a signatory to that treaty, or at least to a nuclear weapons convention.

Submissions have been made to the Committee by many organisations, including the UK Working Group on Arms, which is made up of Amnesty International, Landmine Action, Omega Research Foundation, Oxfam and Saferworld. The group made some very good points about torture and the ultimate destination of weapons. I do not for one moment suggest that the British Government intend to allow their equipment to be used to torture people or to violate international law or human rights. However, the reality is that if there is no control over the re-export of equipment, it clearly can end up being used in that way and in violation of all kinds of international law. The statements that Amnesty International and other organisations sent before today's debate have been extremely useful on this matter. I hope that the Minister has seriously taken on board the points and views that they have put forward.

The Government response states:

"The Government is working with the European Commission to take this forward, and has passed to the Commission a draft amendment to the existing Torture Regulation".

It then goes on to explain what the position is, adding:

"The Government will continue to push for early adoption of the proposed revision to the Regulation. We shall keep the Committees informed of progress."

Will the Minister tell us how far that proposal has gone and what progress is being made in that respect?

My final points concern the economy and other aspects surrounding the arms industry that Ministers and others often quote when they say what an important export earner the arms industry is for our economy. The long-standing and, in my view, very respected organisation, Campaign Against Arms Trade, which is based in my constituency, placed a memorandum before the Committee. At paragraph 16, it states:

"The Annual Reports of the Export Credits Guarantee Department (ECGD) show that, yet again, one business benefits more than any other—the arms business. Even though arms account for just 1.5 per cent. of total UK exports, in 2006-7, 42 per cent. of all export credits were for military goods and, in 2007-8, the figure

was even higher, 57 per cent. This export credit support is given for very few deals. In the earlier year, the whole 42 per cent. was accounted for by BAE's arms sales to Saudi Arabia. At £750 million this was also by far and away the ECGD's biggest liability in 2007-8".

The arms industry tells us that it is a huge and very efficient exporter from this country, but it receives a disproportionate amount of export credit guarantee support. Also, there is some suspicion that finance for research and purchasing by the British military of equipment in effect pays for an awful lot of the arms industry's basic costs. It can then go on to become an exporter almost free of risk because its basic costs have already been met.

I conclude with this thought: we live in a world that is extremely dangerous, in which we witness conflict the whole time. Is it morally right for us to spend such a huge amount of money on expanding and developing the arms industry in this country when we have brilliant skills, technical abilities and developments that could be used for much better, useful social purposes, rather than the business of war? The House needs to consider that.

4.24 pm

Mr. Mike Hancock (Portsmouth, South) (LD): It is a pleasure to serve under your chairmanship, Mr. Pope, and it is also a pleasure to follow the hon. Member for Islington, North (Jeremy Corbyn). As a member of the Defence Committee who has not been on the Quadripartite Committee, and having heard all the praise being heaped on the Chairman, the hon. Member for Kingswood (Roger Berry), and on the Committee's work, I am disappointed to have missed something that I should have been involved in. I can only hope that, subject to the electorate, I will have an opportunity to serve on the Committee, if Parliament wishes to continue it.

The report is a well-produced document, and I congratulate all four Committees on the part they played in its production. I also congratulate the Chairman on the excellent way in which he presented the case today. It would be a churlish person who said that the Government's response is unhelpful, as it recognises many of the issues. So, the Government are also to be congratulated on the way that they have tried to address some of these issues, which are not easy to address.

The hon. Member for Birmingham, Northfield (Richard Burden) talked about Israel. I think that the issue of exports to Israel goes right back to 1998—more than 10 years ago. For those of us who were against the exports of the 1980s and 1970s, it goes back even further. He talked about considering matters on a case-by-case basis. A good example of that issue is provided by Israel buying from the UK armoured vehicles that are not for suppression or aggression. Following that logic, the Palestinians could make a coherent case for buying tanks on the same grounds. They could say, "We will never use the tanks on our own people or in an aggressive way; we will use them to defend ourselves." Logically, on a case-by-case basis, one could easily argue that one could not resist selling that sort of weapon to the Palestinians.

The hon. Member for Islington, North raised the issue of corruption. As I said in an earlier intervention, certain phrases are repeated in the Government's response. Three that crop up time and again are "in principle", "in due course" and "we will look again". On corruption, the Government make a very interesting comment. Not a few weeks or months ago but in their response, the Government said that they had appointed an anti-corruption champion, the Secretary of State for Justice and Lord Chancellor, and that he

"wrote to the Organisation for Economic Co-operation and Development (OECD) last October committing to develop a comprehensive strategy to combat foreign bribery and strengthen our work with international partners. This strategy is being developed by a cross-Whitehall group of officials and is supported by his anti-corruption secretariat in the Department for Business, Innovation and Skills."

If that happened a year ago, where is the strategy and why are we still waiting? When will we see it? As the hon. Gentleman has rightly pointed out, those issues need to be exposed, and that should be done in such a way that people can see it being done.

That brings us to the issue of why we do not have a register of brokers. In the very first page of the Government's response, they say that they

"briefed the Ukrainian licensing authority on the introduction of the UK's new rules on licensing brokering transactions at an EU organised meeting in April in Kyiv".

But they go on to say that, unfortunately, they had not publicised them very well and that they were considering how to improve that situation. However, they were saying that back in April, and in July they thought that they would reconsider the matter, but there they were, in October, still without a mechanism by which the new controls that they have brought out can be properly publicised. There is a deficiency somewhere is there not?

On brokering, I share the view of the right hon. Member for Tonbridge and Malling (Sir John Stanley); I think it would be of benefit to companies to be on a register. It would be helpful to them. If one is recognised as being an honest broker—if there is such a thing when it comes to arms dealers—one will benefit from not having to go through the systematic and long regime of work that needs to be carried out to get permission to go ahead. The resistance to having a register is beyond me. I cannot believe that is about cost, or a lack of willingness. There has to be some other reason why people do not want to do it. Arms brokers are the one group that do not lose out in a depressed world: they always seem to be able to make a buck or two, and usually more than that, as hon. Members have said. Being properly registered and accredited so that they are recognised as having some antecedents with our Government would be of enormous benefit to arms brokers.

I am sure that my right hon. Friend the Member for Gordon (Malcolm Bruce), who chairs the International Development Committee and is listed in the report, and other hon. Friends who have appeared at meetings of the Committees on Arms Export Controls recognise their debt to the hon. Member for Kingswood for his chairmanship.

I would like to make a few points on behalf of my party. We welcome the Government's commitment to review whether anti-vehicle mines should be placed in category B of the trade controls and would welcome further clarification on who will implement that review, the terms of reference that will guide it and when it is expected to be completed. Once again, I do not think

[Mr. Mike Hancock]

that that is too much to ask. Given the Government's support for the 2006 declaration on anti-vehicle mines in the UN convention on certain conventional weapons and the UK arms industry's recognition that there is little commercial interest at stake in moving those mines to category B, the case for doing so on humanitarian and policy coherence grounds seems fairly straightforward. So why the delay? The Government could and should provide a clear indication pretty soon on how and when they plan to implement any proposed changes in the law and on their plans to review whether those mines should be placed in category B.

I am also puzzled by the Government's response to paragraph 9 of the report's conclusions, as it seems they cannot recognise the importance of the non-re-export clause, and every Member who has contributed to the debate this afternoon has mentioned that fact. Some people might believe that it is hard to prove whether India sold the two maritime surveillance aircraft to Burma. Some suggest that it did and some that it did not, so how does one prove either case? The evidence available at the time makes it pretty clear that that was going to happen, yet the Indians totally ignored it. The Minister of State, Ministry of Defence, the hon. Member for Harlow (Bill Rammell), stated in evidence to the Committee that there was a more worrying case of a helicopter that was to be transferred. The Indians once again made it clear that there was nothing in the contract that obliged them not to sell it on. Surely we must do something on that issue.

It is unclear from the Government's response to paragraph 11 what exactly they are doing on the EU end-use control. End use is vital and needs to be moved further forward. The Government's response to paragraph 21 states that on 30 October the UN voted overwhelmingly on the resolution to negotiate a strong, robust arms treaty. As Members have said, we know that only one country voted against that. The Americans, to their credit, voted for it, but I think that the proof will be in the eating in that regard: it is one thing to vote in the UN, but quite another to carry out that policy when the pork-barrel politics of the US are at work. The pressures on a Government and on Congress to adhere to it is another thing, so we will have to wait to see how that transpires. Unless there is some sort of breakthrough in the way those laws are adopted, we could find that good ideas, such as a unified ban on lots of weapons or a treaty that is sufficient robust not be easily ignored, could be overwhelmed by the idea that they can be dealt with only on a basis of consensus. What is the point of that, because there will always be someone prepared to be the odd one out or a group that would simply stifle debate on those ideas?

I know that it is easy to criticise, as I have done a little today, but I am also optimistic enough to think that the Government in this country have seen the light when it comes to export controls on weapons and that we all as a nation feel upset at the evil we see in the world, whether in Guinea, Sri Lanka or elsewhere, such as the ongoing conflict in Afghanistan. How many of our soldiers have been killed by equipment provided by other countries whose representatives sit down and eat with our politicians and share discussions? How many of the weapons used in Iraq were manufactured in Transnistria and exported through Ukraine? Those end up in the hands of the enemies of our soldiers in Iraq and have been used to kill them.

We must be mindful of the fact that those things are never easy to overcome, and the Government are showing a determination to do something about it. It would be foolish of anyone to criticise the Government by saying that they are doing nothing, because they are doing an awful lot. However, we cannot go on using the excuse that it is in the post. We must find a way of delivering a comprehensive response to reports such as the one we are considering.

The report is one of the best I have read in more than 20 years in Parliament. It is not a difficult read, and members of the public and journalists will find a lot of information in it, and the Government's response has tried to do it justice. The best thing in the world, as the hon. Member for Islington, North concluded, is to work towards making it an even firmer proposition that would deliver the peace we want to see and for those weapons to be less easily available than they are at present.

4.36 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): It is a pleasure to serve under your chairmanship, Mr. Pope, and I welcome the Minister to the Chamber. I pay particular tribute to the hon. Member for Kingswood (Roger Berry), as other Members have done. It is a difficult job to chair a Committee that crosses four departmental Select Committees and to produce a unanimous report that goes into such constructive depth, so I pay him a sincere tribute. It is no coincidence that Mr. Speaker fixed the date of the debate for 5 November: a juxtaposition that has already been noted by the Committee's Chairman.

The issue of arms exports is notorious for its ability to polarise opinion. We have seen that the report covers several conflict areas in the world, and the hon. Members for Ilford, South (Mike Gapes) and for Birmingham, Northfield (Richard Burden) have highlighted two particularly difficult conflicts where there are human rights abuses, to say the least, and I agree with many of their comments. Countries cited in the debate include Israel, Palestine, China, Sri Lanka, Iran, Libya and Guinea, yet the report from Saferworld for the period from 1997 to 2008 mentions exports to several other countries that are of concern. That memorandum demonstrates what a difficult but important area of Government policy the report addresses.

I believe that we have one of the strictest licensing regimes for arms control exports in the world, and that is to be commended, but we must ensure that it does not stifle the legitimate work of the defence industry. It is within that framework that the Committee must work, and it performs a vital role in scrutinising the Government's policies. The Committee has done lots of good work, for example in highlighting end-use controls on torture equipment through the EU. The Government, in their response to paragraphs 10 and 11, have highlighted the fact that they have been working with the European Commission to take that work forward and have passed the Commission a draft amendment to the existing torture regulations. I hope that the Government's response to that work will be completed within 2010 and ask the Minster to give us an update on the timetable for that matter.

This year the Committee was able to provide details of its visit to Ukraine, which has been much mentioned this afternoon, and I have highlighted the article that appeared in *The Guardian*. That incident and the Committee's visit to Ukraine highlight several other issues covered by the report.

First, there needs to be a proper register of arms export licences to the Ukraine. Secondly, there needs to be a proper investigation of the list of people on the register provided to the Committee by the Ukrainian Government. It may have been done in error; nevertheless, the Ukrainian Government did provide the memorandum to the Committee. Will the Minister tell us how many such registers there are in other countries around the world that neither the Government nor anyone else are aware of, and what action our posts and embassies are taking to discover their existence?

The report makes several sensible recommendations. It states in paragraph 22, first, that

"the FCO should ensure that its embassies and diplomatic posts engage more effectively with the national export control organisations to obtain information on UK arms brokers licensed by overseas states",

and, secondly, that

"the Government should instigate an investigation into the list of UK brokers provided to us by the Ukrainian government and provide confirmation as soon as possible that the UK brokers on the list obtained any necessary licences from the Export Control Organisation and breached no UK legislation".

Something else from the Ukrainian situation was highlighted by the report in *The Guardian*—I stress that I do not believe that any UK arms exporters were involved in this: if the report is correct, whether it was small arms or whatever that were exported to Guinea and subsequently used in human rights repression, it typifies what can happen if we do not have proper control through end-use legislation. An even more important aspect of the whole incident is that not only have the arms to Guinea caused trouble, the military junta that is now in control of that country is beginning to destabilise some of its neighbours such as Sierra Leone and Liberia.

I would be grateful if the Minister provided us with information about the situation in our embassies around the world. What work do they undertake to determine whether such registers exist?

A subject that has been mentioned by several right hon. and hon. Members this afternoon is the arms trade treaty, which the Opposition strongly support. We all recognise the moral imperative of ensuring that the global arms trade is governed by firm, consistent and fair rules. A treaty would provide a set of common minimum standards for the control of arms transfers and a workable mechanism for the application of those standards.

I wish to examine, as other Members have, the position of the Americans. I have had discussions with Saferworld on this subject. It was great to see that under the new Obama Administration, the Americans voted in favour of the United Nations resolution in the General Assembly, but does the Minister think that the Americans, by insisting that there must be unanimity on the treaty, are ensuring that it can be watered down so much that it actually becomes meaningless? What do the Government expect from the treaty? Do they want it to be strong and deep, or do they want it to be wide? It would be useful if the Minister told the Committee what discussions he has had with the Americans in that respect.

Another aspect that has been raised is bribery, which has featured in previous debates on this subject. The report notes in paragraph 97 that

"the shifting of responsibility for anti-corruption from one Department to another raises questions over whether the Government has the necessary vigorous anti-corruption culture across all Departments to tackle the risk of bribery and corruption engaged in by UK-based companies and individuals."

On page 8 of their response, the Government state that the

"Secretary of State for Justice and Lord Chancellor wrote to the Organisation for Economic Co-operation and Development (OECD) last October committing to develop a comprehensive strategy to combat foreign bribery and strengthen our work with international partners."

Given that it is now a year since that happened, as mentioned by the hon. Member for Portsmouth, South (Mr. Hancock), I am sure that all of us in the Chamber this afternoon would be interested to hear what progress the Government have made on the matter.

The issue of re-exports surfaced in several speeches this afternoon, and it comes up regularly in these debates. The Committee continue to recommend that the

"requirement to have a non re-export clause in contracts for the supply of controlled goods would send a clear message to both parties to the contract that re-export to certain countries is unacceptable."

That is in paragraph 64.

I agree with my right hon. Friend the Member for Tonbridge and Malling (Sir John Stanley) that if contracts are to be enforceable, and if I were the Minister in charge of Government policy in this area—I am sure that I never will be—I would want an end-use clause included, because it would then be clear to any countries that export to another country what is and is not acceptable. I hope that the Minister will be able to address that point.

I would like briefly to touch on two other issues before I conclude. The first is extraterritoriality, which many Members have spoken about this afternoon. This baffles me: if it is illegal to do something inside the UK, surely it is illegal for a British citizen to do it outside the UK. If that is the logic that applies, perhaps the Minister could tell us why the Committee's recommendations on extraterritoriality cannot be enforced. He may cite the difficulties and practicalities of enforcement. If that is the case, perhaps he could make it clear.

Finally, I want to touch on end use, which is a difficult subject. It is difficult for those who apply for a licence to export arms to a country that, on the whole, has a good record to know whether that country will pass the arms on to someone else. An example from a previous debate on the subject has been quoted—not so much today—of the Indian Government re-exporting aircraft to the Burmese Government, to whom no sane person in the UK would want to export. It would be difficult for an arms exporter to know whether the Indian Government, in the first instance, would want to do that. I am not sure how possible it would be to enforce the contract, and I would like to hear the Government's thinking on whether it is possible to do so.

[Mr. Geoffrey Clifton-Brown]

I want to give the Minister plenty of time to reply. He has been asked an enormous number of questions, and I do not envy him the task of replying. On the whole, I commend the Committee on its report, but I also commend the Government on their up-front reply, although, as the hon. Member for Portsmouth, South said, there are still several areas where it is taking too long to get action. It will be interesting to hear from the Minister this afternoon what action he is taking.

4.47 pm

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): It is a pleasure to be here this afternoon and to appear before you, Mr. Pope. It has been a privilege to listen to the debate, which has been of extremely high quality. I shall try to the best of my ability to address the issues that have been raised. If I do not deal with some questions during the course of the debate, I will ensure that responses are forwarded to right hon. and hon. Members, because it is evident that there is a breadth of knowledge that is well worth tapping. Many of the arguments made today have been extremely persuasive.

The Government have engaged with the Committee and listened to its arguments. They do so because these are difficult issues, and the benefit of experience and argument is something that the Government need to continue to use in determining their approach.

I pay tribute to my hon. Friend the Member for Kingswood (Roger Berry) for his chairing of the Committee. If I may, I would like to use his speech as the cornerstone of my response. I have selected some of the issues that he raised.

The Government are firmly of the view—some Members share it—that the UK has one of the most rigorous export control regimes in the world, and that it is right and proper that we do, because this is an extremely difficult area where difficult judgments have to be made at specific times on specific applications, and in the context of changing events. It is right and proper that throughout the process we take into account the changes that have occurred in countries when licence applications are made.

We must balance the decisions that we make on export control applications with the important role that the defence industry plays in the UK economy. Many people are employed in the industry and it is important to take that into consideration. There is no conflict between effective export controls and supporting the defence sector, but it is important that we have an open, rigorous and transparent regime with which to assess applications and make the difficult decisions. I agree with my hon. Friend the Member for Kingswood that we have made significant progress, but I want to talk specifically about the areas that he mentioned and explore why we may not, as yet, have reached agreement on particular points, and I hope give him some comfort.

First, on extraterritoriality, the Prime Minister announced in 2007 the Government's commitment to extend extraterritorial controls to small arms and other weapons and we implemented it in relation to small arms and man-portable air-defence systems in October 2008. We further extended those extraterritorial controls to other weapons—light weapons—on 6 April 2009. We committed to and prioritised the introduction of the controls on the basis of evidence of the risk associated with them. We asked the NGOs and industry stakeholders to consider the case for those extensions of controls to be applied to even more military goods.

The joint industry and NGO working group met several times, from 2008 onwards, and presented its proposal to us in late spring this year. Following that, we held two further meetings with the group to clarify aspects of the proposal. We have been assessing the proposal and the outcome of those meetings, and although I cannot give my hon. Friend and the Committee a response today, I can say that there will be a response within a few weeks to the process that has been undertaken. It is a difficult area. We have listened to the views of the Committee, the NGOs and the industry and we will be introducing proposals—I was going to say "very shortly" but will stick to saying "within just a few weeks".

Roger Berry: Will the Minister confirm, or otherwise, that one proposal was submitted by both the NGOs and the defence manufacturers?

Ian Lucas: I think that is correct; that is my understanding.

Roger Berry: An agreed proposal, that is, from the NGOs and the defence manufacturers?

Ian Lucas: I understand that it was a joint proposal from the NGOs and the industry.

Secondly, on brokers and a register of brokers, it is helpful to make it clear that there is no difficulty in producing a list of individuals who have made applications in respect of export controls. We have a database from which those individuals could be identified. The issue is whether, if one produced a register, one would, in those circumstances, apply criteria to enable individuals to go on it. It is not simply about having a list, but about the importance of the list indicating, perhaps, some measure of respectability. Therefore we have to consider closely how the Government deal with the issue.

We looked closely at such a list in 2007, but concluded at the time that it would not be right to introduce a full registration system, because it is not just a list, but a full registration system. However, we are happy to consider it once again when we see how other initiatives work, such as clamping down on people who misuse open licences and focusing our awareness and activity on traders. We need to take into account the burdens that any pre-licensing registration system could impose on legitimate business. I am not sure to what extent the Committee has considered the type of system that may be needed to create a proper register of arms brokers. I do not think that simply producing a list would be an adequate way to address matters. We would have to think carefully about the process.

Thirdly, the Government's position on no re-export clauses was originally set out in some detail in a letter dated 19 February 2009, which was sent to the Committee by the Economic Secretary. We do not favour making export licences for supply to licensed production facilities subject to the condition that the underlying supplying contract has a clause preventing re-export without the permission of the UK authorities. That would impose an administrative burden on both us and the exporter and, because both the goods and the re-exporting entity

are outside the UK, it would be difficult to enforce in practice. The Committee stated that such a requirement

"would send a clear message to both parties to the contract that re-export to certain countries is unacceptable."

That may be so, but it would not necessarily increase our real-world powers to prevent such transfers.

I was grateful to the Committee for its kind offer to protect my interests in the event of my responding to a hypothetical situation when something went wrong with a re-export case. However, the purpose of such a clause would not be to provide a fig leaf for Ministers. We need to think about what it would achieve. For example, we need to look at the situation in relation to a contract including a clause for a British company to export to a company from, say, Poland. In those circumstances, if there was a breach of the clause by the Polish company, what action could be taken by any party? It is unlikely that the original party, having included the clause in the contract, would make a voluntary decision to enforce action against the Polish clause.

Roger Berry: Does the Minister not agree that there is a simple sanction? If there is an export to a Polish company, part of the licence is a non-re-export condition saying, "You've got this kit. You will not re-export to an EU or UN embargo destination and, if you do, we'll license no further exports to you in future." Is that not clear?

Ian Lucas: That sanction would not be taken under the terms of the contract by the exporter from the UK. There would not be an effective clause in the contract that could be activated by the UK Government. The UK Government would not be in a position to take legal action against the company from abroad, for example, under the terms of the contract.

Roger Berry: I accept that being able to take legal action is the first-best solution, but would the Government not be left with a second-best solution, which is that, if it is clearly understood that if the Polish company that is getting the arms export re-exports to an embargoed destination, no further licences would in future would be granted by the UK where that company is the initial end user? Is that not straightforward?

Ian Lucas: I understand my hon. Friend's point but, carrying the argument a little further forward, it would mean that the detail of every contract made between an applicant and a purchaser would have to be made known to the UK Government. The clause would have to be produced to the UK Government to evidence the further action that my hon. Friend is suggesting.

Roger Berry: If it were a condition of every licence for export from the UK that the initial end user could not re-export to an embargoed destination, and if the UK found out subsequently that there had been re-export to an embargoed destination, surely it could take the appropriate action. Legal action would be preferable, but the other action would simply be that the re-exporter would not get an arms export licence in future. Surely it is that simple.

Ian Lucas: If an export licence has no such clause in the contract now, and the product ends up in an embargoed country, that would clearly determine consideration of any further application involving that company, even without a clause in the contract. In other words, the issue is the fact that the product ended up in an embargoed country, and the FCO would take that into account when considering any future application from the company that had transferred the item to an embargoed country.

Roger Berry: Does the Minister agree that administratively it is not a big problem to insert such a non-re-export clause, and that it might deter people from behaving in a way that we do not want? What on earth is the disadvantage of simply inserting a non-re-export clause as normal procedure?

Ian Lucas: The only disadvantage is that although that might send a clear signal, it would suggest a legally enforceable basis for the proceeding.

Mr. Hancock: The evidence to the Committees made it clear that the lack of such a clause was a drawback, as was apparent in the case of India transferring planes to Burma. The Indians simply turned around and said, "There was no clause in the contract. Too bad. Go away." What the hon. Member for Kingswood (Roger Berry) said is logical. The evidence suggests that such a clause is necessary if we are to have some stick; having no clause will leave us in our current hopeless situation.

Ian Lucas: My understanding is that the transfer to Burma did not take place, although that may not be relevant in the context of the hon. Gentleman's comment. I understand his point, which is that such a clause would make the position—

Mr. Clifton-Brown: Clearer.

Ian Lucas: I was going to say "more overt", but I am grateful to the hon. Gentleman for helping me out. I understand the point, but I am reluctant to incorporate a clause simply to send a message—a message that implies some sort of legal basis but does not provide the foundation for any action. Before I became engaged in that discussion, I was going to say that the Government are prepared to consider the matter further, that our discussion has been useful, and that I will return to the Committees by the end of the year.

Reference was made to the international arms trade treaty, and it is important to recognise the important role that it will play in taking Government policy forward. We are playing a leading role in working towards a globally agreed, robust arms trade treaty. Since introducing the initial resolution at the United Nations back in December 2006, in which we called for work on such a treaty, we have worked closely with international partners, civil society and the defence industry. On 30 October, UN member states voted overwhelmingly in favour of an arms trade treaty, and that vote mandates preparatory committee meetings in 2010 and 2011 to work towards a UN conference in 2012, when the text of an arms trade treaty will be finalised. Clearly, a lot of work must be done in those committees to make the treaty a reality, but as my right hon. Friend the Foreign Secretary said:

"This groundbreaking achievement is a defining point in the work that has been led by a global coalition including the United Kingdom over the last three years towards a treaty that will save lives, safeguard human rights and support development across the world."

[Ian Lucas]

I shall try to deal with some of the other points that were raised during our extensive debate. It was a pleasure to listen to the right hon. Member for Tonbridge and Malling (Sir John Stanley), despite his image of me in the bath, which was not the most flattering, but perhaps that is because I see myself on such occasions. I am concerned about the two months' notice of delegated legislation to which the right hon. Gentleman referred. I am not aware of the rationale for the Department's response, but I will look into the matter and return to him with the detailed rationale and details of the difficulty that justified the Department's response.

There was much discussion about specific countries—mainly Sri Lanka and Israel—from my hon. Friends the Members for Ilford, South (Mike Gapes) and for Birmingham, Northfield (Richard Burden). It is extremely important that when decisions are made on export licensing, the overall position relating to individual countries is taken into account. It is important that the specific circumstances at a specific time are assessed, which necessarily involves considering the history—perhaps not just the recent history—of trouble spots and countries.

Reference was made to correspondence from my right hon. Friend the Foreign Secretary on both Sri Lanka and Israel. The position of Her Majesty's Government does not change in terms of the rules and principles that are applied, but those rules and principles must be reconsidered in the context of events at any particular time. That is the context in which Government policy goes forward. I assure right hon. and hon. Members that the Government take account of Operation Cast Lead and events during the past year in Sir Lanka when assessing individual cases.

Mike Gapes: Will the Minister take this opportunity to answer my specific question about whether the Sri Lankan armed forces used equipment supplied by the UK—licences have now been revoked—in the recent conflicts?

Ian Lucas: I am afraid that I cannot give my hon. Friend a specific response on that individualised and sharp point.

Mike Gapes: Perhaps the Minister will write to me.

Ian Lucas: I am happy to do so, and I was going to say that. I am happy to return to my hon. Friend on that point, when I am in a position so to do.

Some of the points raised by the right hon. Member for Tonbridge and Malling were raised by my hon. Friend the Member for Kingswood. I hope that some of them have already been covered. The right hon. Gentleman made several points relating to individual countries, to which I have referred. In respect of Libya, I can make it absolutely clear that the Government do not and will not use licences in any way as sweeteners to develop a relationship with a country. That is the case with any country, but Libya was the one to which he referred. It is central to having a proper regime that such an approach is never undertaken.

My hon. Friend the Member for Birmingham, Northfield referred to the extremely difficult—perhaps tragic is a better description—position in Israel and Palestine and the circumstances that have led to so much suffering for both communities over many years, but particularly in the past year. I pay tribute to the long years that my hon. Friend has spent working on the issue and taking a close interest in the position of the UK Government and our involvement in the process. The Government have made it clear that we regard it as extremely important that when we have any form of relationship in terms of selling items that require export licences to Israel, we consider the situation very closely.

When we were considering the position earlier this year in determining licences, we did make a number of changes in our approach, because of the information that we talked about. The activity of the Israeli Government was something that we had not previously anticipated. For example, in respect of the Saar-class Corvettes, we had not previously been aware that there had been any circumstances in which those had been used in a military context. When we learned that they were being used in that way, we revoked the licences. That will, of course, be taken into account when determining future licences and is an example of the way in which we will take into account changes that occur over a continuing period.

Jeremy Corbyn: Could the Minister help us and say why that change of heart took place? I ask that because the use had been to continue the illegal activities of Israel anyway in controlling Palestinian movements. That was not new; it has been going on for a very long time.

Ian Lucas: The specific usage of the naval vessel concerned was something of which the UK Government had not previously been aware. It was on the basis of that change that the action took place and the change of policy was undertaken.

Richard Burden: I do not expect the Minister to know the answer to this question now, but perhaps he could write to us after the debate; I do not know the answer to it. In relation to the Saar Corvettes, were they used off Lebanon in the Lebanon war, and were any checks done as to whether they were used off Lebanon?

Ian Lucas: I will certainly look into that matter and I am grateful to my hon. Friend for raising it at this juncture.

I was asked about monitoring by embassies in relation to end use. The Government's position remains that the best means of ensuring that goods are not diverted is to conduct a rigorous assessment at the licence application stage. That includes careful examination of the information on the proposed end use and end user of the goods. UK diplomatic posts are regularly asked to check the accuracy of information in the end-user documentation submitted in support of an application. The question of the end user is therefore taken into consideration right at the outset, when the application for a licence is determined. That is a major factor in a number of applications. On a number of occasions, we see licences turned down not because of information relating to the person who is stated to be purchasing, but because there are concerns about the end user of the item. We do consider that and we treat it extremely seriously.

Roger Berry: I know that officials in the relevant Departments are scrupulous about the efforts that they make in assessing as much information as they can get

before a licensing decision is made or recommended. There is no question about that and I am sure that advice from embassies and high commissions is part of it. However, does the Minister not foresee any circumstances in which it would be useful to have some end-use monitoring after the licence has been granted? I am thinking of, for example, exports to destinations that we all know are—how can I put it?—more sensitive than others.

Ian Lucas: End use will always cause issues within decisions made on applications. Clearly, having as much information as possible is useful to that process. I can assure my hon. Friend that, as he said himself, a very rigorous process goes on at the moment and that the embassies and Foreign Office staff are very closely involved in that process when applications are made.

I was asked about transit and transhipment. During the review that has taken place relating to that issue, and following concerns raised by key stakeholders, we have strengthened controls on transit and trans-shipment. The controls have been aligned with the new three-tier trade control structure, which varies the level of control, depending on the risks associated with the goods and destinations. I will write to hon. Members on the number of goods seized in transit, because I do not have full details of the numbers today.

We heard about the visit to Ukraine. I can confirm that Her Majesty's Revenue and Customs is still conducting an inquiry into the circumstances of the matters raised as a result of that visit. I can assure members of the Committees that I will explore exactly where that investigation is at present. It is clearly in everyone's interests that matters be brought to a conclusion as quickly as possible. I shall come back to the Committees on that matter as soon as I can.

I heard the concerns of the right hon. Member for Tonbridge and Malling relating to China and the attendance at the defence systems and equipment international exhibition. The attendance at DSEI does not in any way undermine the embargo that exists between Her Majesty's Government and China. Although I am not aware of the precise circumstances, that invitation does not in any way undermine the embargo.

We heard reference to the position in Guinea and the very unfortunate regime in existence there. That example shows how an embargo is crucial when dealing with countries of that nature and how we must be extremely rigorous in our approach when dealing with any suspicion whatever of items being passed on to countries with very questionable human rights reputations.

Mr. Clifton-Brown: The Chairman, the hon. Member for Kingswood, made a very interesting point at the beginning of the debate about arms being re-exported to countries that are under an arms embargo—it could be an EU, UN or area arms embargo. In considering the re-export issue, would it not be possible to insert in every single licence contract a provision that every possible effort should be made to prevent arms being re-exported to areas of the world where any type of embargo is in existence?

Ian Lucas: It certainly would be a thought. I hesitate to return to the discussion that I had with my hon. Friend the Member for Kingswood earlier this afternoon, but similar points would arise concerning the enforcement of contracts. We are happy to consider any device that shows the strength with which the Government are prepared to ensure that embargoes are respected, known about and kept by all parties—certainly UK parties. It is certainly an approach that we may wish to consider.

I have tried to deal with the issues that my hon. Friends and hon. Members have raised today. The subject of the debate is clearly an area that benefits from continued dialogue between the Government and the Committee. A number of valid points have been put forward. The arguments that the Committee has made in the past have been taken on board and, under this Government, there has been huge progress in ensuring transparency in export control, which I am particularly proud of. I am keen to continue to engage with the Committee. There has been much food for thought in the debate, and a number of very powerful arguments have been put forward.

Jeremy Corbyn: On the point I raised about torture, the Government gave a somewhat guarded response to the issue in their response to the Committee's report.

Ian Lucas: The Government have been clear about the strength of their position on torture—they are not prepared to countenance torture or to be involved with items used for torture. The position of Her Majesty's Government is very clear and I am certain that it will be maintained by any Government whatever their political colour.

As I said, I greatly value today's debate. I will reflect on the arguments that have been made in any decisions that I take. I am grateful to all Members for their contributions, and I will come back to them with written responses to the specific items that I have not been able to deal with.

5.23 pm

Roger Berry: I thank the Minister for his responses, and we look forward to the further written ones. May I say two more things?

First, I am very grateful that the Minister will consider the non-re-export clause. He offered a response by the end of the year. I do not want to discourage him from doing that, but I am sure the Committee would think that the right result is better than the speed of the result. We think that we have made a powerful case and I hope the Minister will take the time needed to consider it.

Secondly, on behalf of the Committee, I wish the Minister and his officials well in progressing with the arms trade treaty. Such a treaty is the chance of a lifetime and we are all conscious that Ministers and officials are working very hard, and that the UK has shown leadership. Our prayers are with them. It is a terribly important matter, and we very much hope that they are able to secure the strongest, most effective arms trade treaty that is humanly possible.

Question put and agreed to.

5.24 pm

Sitting adjourned.